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**Boston Gas Light Company.**

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# REPORT OF THE HEARINGS

BEFORE THE

BOARD OF MAYOR AND ALDERMEN,

UPON THE REMONSTRANCES

AGAINST THE SOUTH GASOMETER,

AND THE

EXTENSION OF THE WORKS OF THE GAS COMPANY

AT THE NORTH END.

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BOSTON:

WRIGHT & HASTY, PRINTERS,

NO. 3 WATER STREET.

1852.

WILLIAM BRIGHAM, } *Counsel for the Remonstrants against*  
GEORGE S. HALE, } *the South Gasometer.*

WILLIAM DEHON, } *Counsel for the Remonstrants against*  
MOSS K. BOOTH, } *the Extension of the Gas Works.*

SIDNEY BARTLETT, } *Counsel for the Corporation.*  
MANLIUS S. CLARKE, }

J. H. BUCKINGHAM,—*Reporter.*

## PRELIMINARY REMARKS.

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In order to a full understanding of the cases which have occupied so much of the time of the Mayor and Aldermen, and which have been considered as of so much importance to the citizens generally as to call for an extensive examination of witnesses and the efforts of able counsel on both sides, the following statement is given:—

On the ninth of August, 1852, the Boston Gas Light Company sent to the Mayor and Aldermen the following notice:—

The Boston Gas Light Company, finding it necessary to extend their works for the purpose of increasing their manufacturing power, have contracted for the purchase of land adjoining their estate, and bounded on Commercial and Prince streets: And they respectfully request the Mayor and Aldermen to sanction said use of the same.

W. W. GREENOUGH,  
Agent B. G. L. Co.

Boston, August 9th, 1852.

This notice was referred to the Committee on Internal Health.

On the sixteenth day of August, the following remonstrance or petition was received by the Board, and referred to the same Committee:—

*To the Honorable Mayor and Aldermen  
of the City of Boston:*

The undersigned, owners of real estate and residents in the neighborhood of Waltham street and Washington street,

Respectfully represent, that they are informed that the Boston Gas Company are about extending and rebuilding their Gasometer on or near this street, and that the works at present prevent the improvement of real estate in the vicinity, and otherwise seriously injures the interests of your petitioners and the city generally in this neighborhood.

We therefore pray that your Board will take measures to prevent the further extension of this evil, and wholly remove it if practicable.

And we respectfully ask to be heard thereon by your Board, for we are fully persuaded that the growth of this part of the city will be greatly promoted by the removal of these works, and no serious inconvenience accrue to the Gas Company therefrom.

Boston, August, 1852.

[Signed.]

Thomas J. Lobdell,  
William Brigham,  
J. D. Farnsworth,  
David Weld,  
William White,  
Joel Whittemore,  
Farrington & Hunnewell,  
Goodwin Currier,  
C. Robbins,  
J. E. Hesseltine,  
D. Mahony,  
T. Wakefield, Jr.,  
Charles Sargent,  
Charles B. F. Adams,  
John M. Mayo,  
C. F. Lougee,  
George May,

John A. Cummings,  
G. Foster Williams,  
William Lincoln,  
Charles H. Parker,  
Benj. C. White,  
James S. Wiggin,  
David W. Williams,  
Alvin Adams,  
Jacobs & Deane,  
W. E. Blanchard,  
Wm. Dall,  
J. M. Whittier,  
Jones & Farwell,  
H. H. Hunnewell,  
A. T. Minot,  
J. Denison,  
John D. Weld.

On the same day, (the 16th August,) the Committee on Internal Health reported to the Board, that no action was necessary, as to the notice respecting the extension of the Gas Works on Prince street, and recommended its reference to the Committee on Streets, in order that it might be ascertained whether any alteration was necessary in the lines of that street. This report was accepted.

On the twenty-third of August, the Committee on Streets reported the notice of the Gas Company back to the Board with the following endorsement:—

“No special widening needed. If Commercial street should be widened, it would be much cheaper at present to do it on the other side.

In Board of Mayor and Aldermen, Aug. 23, 1852.

The Committee on Streets, to whom this notice was referred, report that no further action is necessary.

S. REED, Chairman.”

And this Report was accepted.

During the same session of the Board, the following remonstrance was received, (*after* the report above mentioned had been accepted,) and was referred to the Committee on Internal Health :—

Boston, August 18, 1852.

*To his Honor the Mayor and Board of Aldermen :*

The undersigned, inhabitants of the northerly section of the city, have learned by the published reports of the doings of your body, that the Boston Gas Light Company have petitioned for liberty to extend their works, situated on Copp's Hill.

From our experience of the operations of that Company, we feel compelled to state to your body that in the use of their works, great and grievous nuisances are created, injuriously affecting the comfort, convenience, and estates of all located in their vicinity.

We therefore do respectfully remonstrate against any liberty being granted to said Company for extending their works for the making or storing of Gas.

In addition to the noisome effluvia produced by said Company in their manufacture of Gas, and other nuisances, connected therewith, tending to deprive us of the ordinary enjoyments of life, we feel that said Company's works, even at their present magnitude, are hazardous to life and property, against which, no care on our part will insure safety.

We, therefore, do protest against the continuance of the same, and in the event of loss of life or property, caused by the doings of the Boston Gas Light Company, we must claim from you, who alone have power to control this evil, full indemnification, so far as it may be possible to make for any such damage that may arise.

E. N. Chaddock,  
S. Hiscock,  
L. B. Hiscock,  
H. M. Gaut,  
William Dyke,  
Henry Newcomb,  
Thomas P. Barnes,  
Thomas Holt,  
Charles H. Parker,  
William Smith,  
John D. W. Joy,  
John Felton,

Jacob Hall,  
Isaac Harris,  
N. Lincoln, per N. Lincoln, Jr.,  
N. Lincoln, Jr.,  
Enoch H. Snelling,  
Michael Dalton,  
Antonio Galeano,  
Sturgis Chaddock,  
Henry D. Fowle,  
S. Shattuck,  
Clark Brewer,  
John F. Payson, Jr.,

William C. Child,	Jabez F. Heard,
William K. Jones,	William Green, Jr.,
David Pitman,	J. C. Sleeper,
Thomas Sinclair,	William Noble,
Daniel Hardy,	Norton Newcomb,
James E. Rich,	Mansfield & Kemp,
F. Ingersoll,	G. W. Tewksbury,
Jonas Forristall,	Eben P. Babb,
Charles Morse,	Edwin Bowker,
Putnam Perley,	Amos Whitmore,
Lorenzo Burge,	Osgood Eaton,
Job Turner,	John Alden,
William Badger,	W. Cummings,
Ebenezer Shute,	William Jones,
Joseph Veasey,	A. T. Wingate,
Charles R. Patch,	C. C. Annable,
Jonathan Parker,	Uriah Baker,
Isaiah Faxon,	Henry C. Hemmenway,
William H. Atwood,	John G. Chambers,
Freeman Whiting,	James H. Dyke,
William H. Learnard,	Frederick Gould,
Elijah Stearns,	Ebenezer Wales,
Henry N. Hooper,	John Bogardus,
David C. Long,	L. A. Reed,
Charles B. Sheldon,	A. M. Snelling,
Peter Mc'Meer,	Paul Knowles,
Samuel Aspinwall,	Alfred Hathaway,
George Kingman,	E. A. Vose,
J. M. Shepherd,	Joseph Ringot,
H. K. Cobb,	William Fisk,
C. E. Whall,	Joseph M. Oxford,
G. D. Ricker,	J. F. White,
John Hobbs,	James Wright,
Elisha Cutler,	John Warren,
Matthias Ellis,	John Howard,
Timothy Hall,	S. B. Krogman,
Horace Dodd,	Joseph L. Goldthwait,
Benson Leavitt,	David Marden,
William H. Learnard, Jr.,	Charles A. Turner,
Constant F. Benson,	George Low,
Rowland Ellis,	William P. Howard,
John T. Gardner,	Lewis Sanderson,
John Cushing,	H. E. Robinson,
Jeremiah Witherby,	N. G. Snelling, 2d,
E. M. Plummer,	James M. Reed,
Charles E. Wiggin,	Clark Bixby,
Jos. F. Davis,	William Dillaway,

REPORT OF THE HEARINGS, ETC.

Moses Miller,  
Almond Sampson,  
John Millin,  
John M. Ball,  
Joshua H. Pitman,  
P. J. Forristall,  
John Hobbs, Jr.,  
Wm. B. Austin,  
Edward Carnes,  
Charles H. Stearns,  
George Bradford,  
William Eddy,  
John H. Grush,  
John Dunlap,  
H. A. Floyd,  
131 Salem street,  
Henry Vialle,  
R. Holmes,  
David Y. Dyer,  
Ezra Allen,  
Ammi C. Fernald,  
E. Russell,  
Uriah Hedrick,  
George Blasdale,

Cyrus W. Cobb,  
Levi Jennings,  
George H. Tenney,  
Washington I. Smart,  
Samuel French,  
W. R. M. Hook,  
J. Edward Hook,  
John Arnold,  
W. H. Gleason,  
Joseph Urann,  
John B. Sinclair,  
William H. Badger,  
Alexander H. Bryer,  
John S. Brazer,  
Samuel S. Pettingill,  
Wm. B. Tarlton,  
Asa M. Savels,  
Richard Brackett,  
Samuel Hosea, Jr.,  
Richard M. Baker,  
Marshall Read,  
Levi Wilcutt.

On the thirtieth of August the Committee was ready to report in relation to this remonstrance, and we find endorsed on its back the following :—

*City of Boston.*

In Board of Mayor and Aldermen, Aug. 30, 1852.

The Committee on Internal Health, to whom was referred the within remonstrance, report that the subject of complaint has been examined by the Board, and that as the Company has already received permission of the Mayor and Aldermen to build on the corner of Prince and Commercial streets, the Committee ask to be discharged from any further consideration of the subject.

Health Committee,  
JACOB SLEEPER, *Chairman.*

But, before the Chairman had an opportunity to present this report, it being the order of business at the sessions of the Board, to dispose of petitions and other communications before reports are called for, the following petition was received from Mr. Jacob Hall :—

City of Boston, Aug. 30, 1852.

*To His Honor the Mayor and Board of Aldermen of the City of Boston.*

I have just received a note from Mr. J. Sleeper, of the Committee to which was referred a remonstrance against extending the Boston Gas Light Company's Works at the north sections of the city, and it being so late an hour before action is likely to be had at your Board, am unable to reply to the satisfaction of my associates, at this time, would most respectfully request that we may be permitted to appear and show cause why our application should be granted; will you therefore please appoint some time that we may be heard by counsel or otherways.

Respectfully yours, &c.,

JACOB HALL,

For self and associates.

This petition was referred to the Committee on Internal Health.

In consequence of this action, the Chairman withheld his report, and drew his pen across it, as it was written on the back of the petition of the 18th of August.

On the same day (Aug. 30,) the Committee on Internal Health reported that Thomas J. Lobdell and others, remonstrants, should have a hearing before the whole Board, at such time as the Board shall determine. This report was accepted, and Monday fortnight, (Sept. 13th) at 4 o'clock, P. M., was assigned as the time for the hearing.

On the 6th of September, the Committee on Internal Health reported on the petition of Jacob Hall and others of the 30th August, that they should have a hearing before the whole Board at the next meeting, Monday the 13th September.

Accordingly on that day the parties in both cases appeared in person and by Counsel.

# REPORT.

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## THE SOUTH END GASHOLDER.

*In Board of Mayor and Aldermen.*  
Sept. 13, 1852.

Present the whole Board.

The MAYOR suggested that the petition and remonstrance of T. J. Lobdell *et al* should be first taken up.

Mr. HALE said he appeared for these parties, and he called for the reading of the remonstrance; and it was then read by the CLERK. [See page 3.]

Mr. HALE opened the case, and stated—That the object of the petitioners was to obtain the interference of the Board, to restrain the further existence of a nuisance which has already become intolerable to the neighborhood, at the South part of the City, near the Gasometer. He trusted that he should be able to show, by competent evidence, that the Gasometer was a serious offence and a nuisance to its whole vicinity.

Mr. CLARKE, said that the petitioners, as it appeared by the order, were to have a hearing on what they had set forth in their remonstrance or petition. In that paper they represent that the Boston Gas Company is about to extend its works at the South end. No such intention exists or has ever been entertained by the Company; the Company is not preparing for any extension nor enlargement of their Gasholder. So far then, as that matter was concerned, he thought it was unnecessary to trouble the Board with any argument, or further remark. But the remainder of the remonstrance was of considerable consequence. It asks this Board to wholly remove the Gasholder at the South end, and on this point he should ask that the petitioners be required to file a statement of their reasons. He asked that they should put forth, as a part of their case, on what grounds, and for what reasons, they demand the exercise of such power by this Board.

Mr. BRIGHAM, said that the petitioners had stated in their petition, that the Company was extending their works and rebuilding their Gasometer, which would also extend the evils under which they now suffer.

Mr. CLARKE, said he had taken that view of it, and as the gentlemen wanted a removal of the Gasholder, his position was that they should state on what grounds they asked for such removal. He had stated that there was to be no extension, and if the petitioners have any reason to fear it, they should state those reasons as well as any reasons they might have for removing the Gas house entirely.

Mr. BARTLETT, said that the call upon the petitioners, to state in advance, what they had to complain of, and what they wanted the Gas Company to defend, was perfectly in rule, and was made for the purpose, merely, of saving the time of the Board and of the parties. To his mind it was not clear what the gentlemen want, particularly. They have made general charges, one of which has no foundation—that the Company is extending its works; and for the rest, they ask a removal of the entire building. When they shall have stated the grounds on which they complain and on which they ask for this removal, it may be possible for the Company to obviate the difficulty or remove the objections of these gentlemen. What movement can be made on the mere hypothesis that some people have some objections, when we do not know what those objections are? Let them put their points on record, in order that they may be met *seriatim*. Let us have a detail of the grounds on which the Board is called upon to order the Gasholder to be removed.

The first time that the attention of the Company was called to any complaints by the neighbors, against the Gasholder at the South end, was during the hearing before a Committee of this Board, some weeks ago, on the subject of the Mason street Gasholder. Immediately—as soon thereafter as possible, the Company commenced a correction of the evils complained of, and workmen are now making repairs and improvements, in order to obviate the difficulty; it is intended to make the building as perfect as possible. This the Company is doing of its own motion, and as a matter of duty, to say nothing of considerations for its own interest. But these petitioners come here with a demand that the Company shall be required by this Board to remove its Gasholder altogether. If they wish this done and put us on our defence, they ought to state distinctly and explicitly all their reasons.

Mr. HALE, replied that he was quite ready to state these reasons. We understand, said he, the object of this petition to be, the removal of the gasholder at the South end, because it is offensive and noisome to every resident in its neighborhood. The recent action of other parties has made known to the public and to this Board, facts with which the residents of Waltham street and its vicinity have long been familiar.

These petitioners have suffered for a long time from the evils incident to the location of this Gasometer in their midst, but they made no public complaint, until at last they saw that the City Government had had its attention called to the matter, and had, in another case, exercised sufficient firmness to interfere for the protection of the inhabitants, notwithstanding the powerful influence of the Gas Company.

We ask for the removal of the South End Gasometer entirely. We cannot see why a Gasometer in Waltham street is not as objectionable as one in Mason street. We come here with the same complaints as those made and proved in relation to Tremont street and Mason street. In fact our case is stronger than the other,—it would be less objectionable to locate a Gas-holder in Mason street than to continue this in Waltham street; for in less than twenty years the whole neighborhood of Mason street will undoubtedly be converted into stores, instead of dwellings; while Waltham street and its vicinity is constantly increasing in value, and is too far removed from business to be occupied ever to any extent by shops; the class of building is different, and ever must be, and it is of much moment for the city to encourage all increase in the number and value of dwellings in that vicinity. It is plain that it is for the interest of the city to protect the inhabitants in that neighborhood, and if this nuisance should be removed, it would not only tend to an increase of value in the present taxable property, but would add to it by inducing to a further disposal and sale of the city lands.

This Board cannot do too much to promote the interest of that part of the city, or to encourage people to move up in that direction. If we can satisfy the Board that the Gas house is a hinderance to the increase of population at the South end,—that it is a nuisance to those already living in its neighborhood, we shall confidently rely upon its action in our favor, and the granting of our petition.

We contend *first*,—that the Gas house is a nuisance, and injurious to the health of the inhabitants. There is no question of the power of the city authorities to interfere to abate this nuisance, for that power is conferred by Statute, and may be found on page 191 of the Revised City Ordinances. It appears from this, that the Board, at any time, when it finds any thing injurious to the health of the inhabitants, “shall destroy, *remove*, or prevent (it) as the case may require.” If, then, it shall be proved that this Gasholder is injurious to the health of the inhabitants, or a nuisance in any other way, there will be no hesitation, we believe, in the Board, as to ordering its removal.

*Secondly*,—we contend that the storing of gas is the prose-

cution of an *offensive trade*, one of those for which, by law, a place must be assigned by the City Government. This place at the South End *has not been assigned*. We shall probably be told that the City Government has no authority in the matter, and that we must go to the Court of Common Pleas for our remedy; but we place ourselves on the Statute, which authorises an assignment, and provides only for an application to the Court of Common Pleas to revoke an assignment and prohibit the further use of such place or building, after it has become a nuisance. If we should go to the Court of Common Pleas with the present case we could not stand a moment, for we should be told that the place has never been assigned.

*Thirdly*,—we contend that by maintaining the Gasometer in this place the Company injuriously “affects the health, safety or convenience of the inhabitants.” This is a matter entirely within the control of the City Government, for, in addition to the provision in the Revised Statutes, power is given to the Mayor and Aldermen in the third section of the act of incorporation of the Gas Company, to “regulate, restrict and control its doings.”

It is no longer an open question whether the storing of gas is the exercise of a trade or not. That was settled by the Committee on Internal Health, in the Report on the subject of the Mason Street Gasometer, and their opinion was sustained by the subsequent action of the whole Board.

Secondly :—It is no longer an open question as to whether the Company is responsible to the control of the City authorities. The third section of its Act of Incorporation, applies to *all* the Company's acts and not merely to the opening of streets. We understand that it has been urged that there is no power to remove the Gasometer, in consequence of its having been established and kept so long where it is, without complaint. As to this, Mr. Hale referred to a Report made in 1832, by a Committee of the then Board of Mayor and Aldermen, in which, after stating that they had not only examined witnesses and heard counsel, but had consulted the City Solicitor, Mr. Pickering, they say that they “are of opinion, that the Mayor and Aldermen have a supervisory power to regulate and control said Gas works, and should use it *whenever* public safety and convenience require.” There was a fear, at that time, that a case might arise when the exercise of such control might be necessary; and that fear, recent events show, was not unreasonable. It is already settled by this last mentioned report that the power exists. The Committee state that it did then, after the works had been established at the North End for a year or two. That report itself says that “the Board has the power to remove the Gas Works;” and we now

contend that the same power now exists to remove the Gasometer at the South End.

Then comes the question as to matters of fact, and the case here is very plain. An opinion given by Mr. Vice Chancellor Brown, in April 1831, as reported in the English Law and Equity Reports, vol. 4: p. 21, (which was in a case where the parties applied for an injunction against brick-making adjoining the Plaintiff's house,) says that the Plaintiff "Is entitled to an untainted and unpolluted stream of air, for the necessary supply and reasonable use of himself and his family there; or, in other words, to have there, for the ordinary purposes of breath and life, an unpolluted and untainted atmosphere."

Again he says:—

"Ought this inconvenience to be considered, in fact, as more than fanciful, or as one of mere delicacy or fastidiousness—as an inconvenience materially interfering with the ordinary comfort, physically, of human existence; not merely according to elegant or dainty modes and habits of living, but according to plain, sober, and simple notions, &c. And I am of opinion that this point is against the Defendant."

Now we say that a Gasometer is what is there described. It prevents persons in the neighborhood from having a free and unpolluted stream of air, and as such ought to be restrained and removed.

Mr. HALE here read several extracts from the report of the Committee on Internal Health, in reference to the Mason street Gas House, and said:—We allege that the Gas House corrupts the air; it emits a smell that has a tendency to suffocate invalids; the Gas deposits a powerful oil which penetrates the soil; and the overflow enters the drains, to the annoyance of the neighborhood. Then, again, the Gas may become explosive; and there are a great many evils and discomforts, to persons in that neighborhood, which would not be experienced in another location.

The continuance of the Gasometer has a serious effect on all the property in the neighborhood, and we claim that on all these grounds of complaint, the Board has not only a right to order its removal, as a nuisance, but as interfering with the comfort of the inhabitants and its own interest.

As to the argument that we have a right to go somewhere else for our remedy, we claim that as a matter of fact, the only remedy we have, is such as this Board can give us. We do not suppose that any other body is better qualified than this Board, to decide the case, and we suppose that its decision will be final for us. It may not be final as to others, because we are satisfied that the nuisance must be abated some

time or other. The Gas Company have no reason to complain, if they are removed, for they went there, knowing that population must go in that direction, that the lands around them must come, sooner or later, into the hands of private individuals, who would be incommoded and annoyed by their Gasometer.

We shall ask to put in the testimony of three or four witnesses, and also the Report made to the Board by the Committee on Internal Health, in regard to the proposed structure in Mason Street, as to the effect of a Gasometer in the neighborhood where it is located. We are ready to take up the case where the Board left it, and proceed to show that we are as much entitled to the protection of the City authorities as the people living in Tremont street.

MR. CLARKE, for the Gas Company, read the following paper, which he wished to put into the case as a reply to the petition of Jacob Hall and others, respecting the North End Gas Works; and also in reference to the petition of Thomas J. Lobdell and others, concerning the South End Gasholder :

"To the Honorable the Mayor and Aldermen. The Boston Gas Light Company respectfully represent, that their works for the manufacture of gas, have now been established near Copp's Hill for upwards of twenty years. In 1832 complaint was made by sundry persons, that the said works were dangerous to life and health, and injurious to the proprietors of real estate in their vicinity; whereupon a strict examination was made by a Committee of the Board of Aldermen, which occupied many days, and upon such investigation it was demonstrated, that works of this nature were not hazardous to life nor injurious to health, and that the property in that neighborhood, instead of being depreciated, had risen in value since the establishment of the works in question. The Committee of the Aldermen made their report in favor of the continuance of the establishment of this manufactory at that place, which was accepted by the Mayor and Aldermen.

The opinion of the Board of consulting Physicians of that year was called for by the Committee and is incorporated in their Report, and unanimously confirmed the allegation of the absence of all danger to life or health from this kind of manufactory.

The unusual good health of the persons employed in the Works of the Boston Gas Light Company, during upwards of twenty years, and the experience of this City, and of all others where gas is used, of the entire safety of gasholders for such a length of time, corroborate the opinions then expressed. When gas was first introduced into this City, the number of consumers was small, and the price of gas was five dollars

per one thousand cubic feet. The number of customers is now upwards of three thousand five hundred, and the price has been gradually lowered, until it is now reduced to two dollars and fifty cents per one thousand feet.

The Directors of the Boston Gas Light Company believe that in no place in the United States is gas of equal strength and purity supplied at a lower rate than in this City.

The Company now find themselves obliged to extend their means and facilities for making and storing gas in order to meet the increasing demands of their present customers and of new applicants. For the first of these purposes they have purchased, (*at advanced and very high prices,*) several lots of land adjoining their *Gas Works*, in which they propose to place a retort house of brick and stone; for the second, they desire to erect a gasholder, upon such spot as shall be approved by your Honorable Board.

The fact of the great number of persons who now depend on gas for lighting their dwellings, and places of business, and the cheapness, safety and convenience of this light compared with other modes of lighting, have produced a general opinion throughout Europe and the United States, that gas is in future to be the principal reliance for illumination, as well of streets and public buildings as of private houses and shops. But in order to furnish this substance, gas works and gas-holders are indispensable—either to this Company or another—and the Directors of this Company confidently believe that with their experience and means, they can supply the wants of the City for its streets and public buildings, and of the citizens, for shops and dwellings, on more favorable terms than a new Company can, if the necessary facilities for making and storing the gas be accorded to them. With regard to the South Gasholder, the Company respectfully represent that it was erected and has stood without objection so far as they know, for sixteen years, and many hundreds of persons now receive their gas from that reservoir. The gentleman whose name is at the head of the petition against the South Gas-holder, (Mr. Lobdell) and many of the other petitioners, who allege that the existence of that building prevents the improvement of real estate in the vicinity, have purchased the lands they own there, long since that edifice was placed on the spot it occupies, and have erected buildings in the immediate vicinity of the Gasholder.

All that the Boston Gas Light Company now propose to do, is to remedy the particular objections recently brought forward against the South Gasholder—and they had made much progress in this work, before the petition of Mr. Lobdell and others was presented to the Board of Aldermen. The Compa-

ny submit that to remove that Gasholder would subject a large number of citizens to great inconvenience, and would be a manifest wrong to this Company.

The Company therefore hope and trust, that as the establishment of their Gas Works on Commercial street was sanctioned by the Mayor and Aldermen, twenty years ago, and the manufacture has been carried on, ever since, without injury, and to the great convenience and advantage of the public,—and as the judgment of your honorable Board has already been given in favor of their extension, by the acceptance of the report of the Committee on Internal Health, to whom the subject was referred,—that approval will not now be withdrawn; but that they may be suffered to use the land purchased by them on Commercial and Prince streets, for a retort house, and may also be permitted to complete the repairs of the South Gasholder.

(Signed,) SAM'L A. ELIOT, Pres't.  
Sept. 13, 1852.

MR. CLARKE, said he would renew the suggestion, that had already been made to the Counsel for the petitioners, that this whole subject be postponed to a future day—to some time that might be agreed upon, allowing the Gas Company an opportunity to complete their improvements, and show to the petitioners, to this Board, and to the public generally, what they intended to do, to correct existing evils.

After it was brought to the notice of the Company that there were complaints existing as to the Gasholder at the South End, the Company took immediate and efficient measures to correct all the difficulties. Under these circumstances, he thought the further examination of this case should be deferred for a few days—until the necessary repairs can be completed. Then the Company would invite the whole Board to visit the Gasholder to inspect the work, and to see for themselves what possible objection there can be, to its remaining where it is. And the reason why he asked for this delay was—that all the evidence now to be produced by the petitioners must necessarily be evidence as to the old building. That is a structure sixteen years old, and we are willing, at our own expense, not only to put it in working order, but to make trial of it at the peril which we must incur, of having it removed as a nuisance, if it prove to be one. And when it is done we shall ask the inspection of your Honors of the Board, and your decision then will be more satisfactory, than any you can give on mere hearsay testimony, and that, only testimony relating to what has been heretofore.

It seems to me, Mr. Mayor and Gentlemen, that the course

we recommend will save a great deal of time to us and to all of us. And I ask your Honor to submit our proposition for a postponement to the Board.

Mr. BRIGHAM, said there was one objection to delay, and that was that the Company was now making a Gasholder to be a permanent, instead of being a temporary structure. He cited a paragraph from the report of the Committee respecting the Mason Street Gas House, page 19, to show that all Gas Houses are similar in construction, and that Messrs. Blake and Darracott testified that the South End Gasometer "was very well built." He also cited, from page 23 of the same report, the opinion of that Committee, that "no Gasometer is known to exist that does not exhale an offensive odor," that "perfect construction has not yet been practically obtained," &c. Therefore, he was opposed to any delay, and urged upon the Board to go into the examination of the case at once.

Mr. BARTLETT, said that no one pretended to reach perfection; but the Company was desirous of making improvements and correcting any abuses that might exist. We merely ask for a few days' delay. Let us try to make it unobjectionable if we can.

Mr. BRIGHAM, said the same favor was asked in reference to the Mason Street Gasometer.

ALDERMAN OBER, said that it was admitted at the other hearing, (the hearing on the Mason Street case) that the South End Gasometer was a nuisance; and the Company then promised to try and abate it. We ought to satisfy ourselves, when we take up the question, as to the whole facts in reference to the whole subject, and where we are to locate the whole of these works. He supposed no one would deny that the Gas Works were a nuisance. It was admitted that the nuisance was greater where the Gas was made than where it was stored. But the whole subject should be decided at once. It was understood that the company was about to abate the nuisance at the South End, and several letters had been sent in, respecting it, asking for action on the subject.

Mr. BARTLETT, asked if such letters were sent in before the former hearing.

ALDERMAN OBER, replied that they were before the Committee.

ALDERMAN REED, thought it was entirely reasonable that the Company should have the delay asked for.

Mr. BARTLETT said, if the weather is propitious we shall only want about ten days' delay.

Mr. BRIGHAM, wished the company would state the mode in which they proposed to remedy the evil.

ALDERMAN REED, moved that the further consideration of this case be deferred for one fortnight.

ALDERMAN JAMES seconded this motion,  
And it was agreed to.

So the further consideration of this case was postponed to Monday, Sept. 27th, at four o'clock P. M.

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### THE NORTH END GAS WORKS.

The Board then took up the Remonstrance and Petition of Jacob Hall and others, which was read by the Mayor. [See page 5].

MR. BOOTH, said that he expected that the other case would have been taken up and considered this afternoon, being first in order, and, therefore, he was not fully prepared to proceed. He had several witnesses, some of a scientific character, to call, in order to sustain the views of the petitioners, and as they were absent, he would ask for a delay, until to-morrow at least.

ALDERMAN OBER, said that he was in favor of going on with the case at the present time.

MR. BOOTH. It will be much for the interest of the side we represent, to have it deferred.

MR. BARTLETT, said the Gas Company had no objection to interpose, but would like to have the case taken up at an early day.

After some further conversation, it was agreed to postpone the hearing to to-morrow forenoon at eleven o'clock. Adjourned.

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Sept. 15, 1852. 11 A. M.

Present the whole Board.

MR. BOOTH opened the case for the remonstrants.

The remonstrants are aware that they stand before a wealthy Corporation, and that they have much to contend with. There are many difficulties in the way of obtaining what they ask for, but they trust the Board will do them justice. They are aware that the Gas works have been tolerated for a

series of years in their present location, and that the value of the property has gone on increasing during all that time; that it is of importance as well as of convenience to the City, to have the use of Gas; but we take the ground that there can be no vested rights in this company to supply the whole of Boston; no vested rights in this company to extend a nuisance, to pollute the air, and destroy the property of others, and drive people away. We hope that this Board will adhere to that policy so long pursued, of keeping the City clean, and preserve its former and present character for purity and neatness, a character honorable to it, and which draws forth praise and admiration of people from abroad.

As for the law on this subject, it is clear that the Board of Health, which consists of the Mayor and Aldermen, has the power by law, and by special proviso in the charter of the Company, to control *all* the doings of this Company. This power is as active now as it ever was and it is the imperative duty of this Board, by law of the Commonwealth, to exercise it.

We state our case in the following propositions.

*First.* The works for the manufacturing and storing of Gas are in themselves a nuisance—are in themselves dangerous to the inhabitants and injurious to health.

*Secondly.* These works can be so located on the outskirts of the City as to be of equal convenience to the Company and at the same time avoid giving offence or danger.

*Thirdly.* The proposed enlargement is equal to the erection of new works, and the City authorities ought not to allow such erection or enlargement in such a populous neighborhood; and,

*Fourthly.* The manufacture of Gas being a nuisance, it should not be permitted any longer where it is, unless absolutely necessary.

On this subject of the enlargement we would ask, What is the necessity? The reason given is, that the Company may be enabled to supply new customers—to supply an increased demand. But this Company has no vested right to supply every body in the city who wishes to use Gas.

MR. BARTLETT interposed, and said the Company makes no claim to any vested rights of the kind.

MR. BOOTH. Then why cannot this demand be supplied without the proposed enlargement of this Company's works. There are other localities, too, that might be occupied for the purpose. We understand that the Company proposes to build in Sea street; why cannot they remove all their works there? it is a place that never can be occupied by dwellings and the erection of Gas Works will offend nobody. This necessity for enlargement can be met by the selection of such a locality

and it ought not to be met by an enlargement of the works where they are at present situated.

The report of the Committee on Internal Health, in reference to the Mason street case, we shall rely upon to sustain us in our positions, as far as it goes, but it does not go far enough for our purpose. We can show to the Board what has been the effect of the Gas Works on the property in the neighborhood, and on the citizens. No Gas manufactory can be established in any way and not be a nuisance. We can show by respectable and competent witnesses, that property in the neighborhood has gradually gone down, since their establishment—that it is lower than the same kind of property in other parts of the city. That the population has changed, the American families leaving and the lower class of Irish coming in and taking their places.

In regard to the locality. The works are situated on the side of a hill, and the proposed alteration, or enlargement as we understand it, is to locate a retort house on Prince street. Prince street is a long street, occupied almost entirely by private residences, and it is one of the main avenues of the North End, leading to the Charlestown bridges. On this street the Company proposes to construct its new works, or on the corner of the said street, and it must throw out its noxious effluvia and its smoke, and, as we can show, be productive of great danger to the passers-by.

From the evidence, as stated in the report already alluded to, it appears that the Company have already reached the extent of their capacity of supply, and one of two things was necessary to them—either they must lay larger mains, or they must build a Gasometer or Gasometers in other parts of the city. The citizens of any locality, the residents, will, of course, protest against their coming into the neighborhood where they live; and the principle, as laid down by this Board, will sustain the objection. Laying larger mains amounts to a system of larger under-ground works. Now if they must commence anew, let them go somewhere else. Let them begin again and start right. Where is the necessity for the Company to erect new retorts here? We shall go into this whole subject of the manufacture of Gas, and we shall show that the building of these retorts may as well be in one locality as another. We don't know but that the condensing and purifying can also be done in some other place as well as here.

What is the growing public opinion as to works of this kind? The Report says that the opinion is that they should be placed out of the limits of the city. Public opinion is in favor of removing from the inhabited parts of the city, Livery Stables, Steam Engines, Slaughter Houses, Pounds, Machine Shops, and

other objectionable trades and occupations. So, also, it is the settled public opinion here and in other places, that Gas works should be without the bounds of the inhabited parts of cities.

We shall offer to the Board a small amount of evidence as to two or three points. We shall rely on scientific testimony to show that the manufacture of gas is worse than the storage of gas, which the Board and its Committee have already decided to be too objectionable to be located in a populous neighborhood. We shall offer evidence to show that these Gas works are equally objectionable to the inhabitants of the North End in regard to personal health, comfort and safety. And also evidence as to their injurious effects on property in their vicinity.

There is one fact, too, that I will state, and it will probably not be denied, that the Company has many customers in Roxbury, and many applications to supply more. This City should not be inconvenienced for the supply of our neighbors, nor for the purpose of gratifying the cupidity of the Gas Company.

Mr. CLARKE then called the attention of the Board to the facts in this case (as described in the Preliminary Remarks,—see pp. 1 to 5,) and read the notice of the Company with the several orders of the Board thereon. He said, that after the notice had been acted upon by the Board, and with the full understanding of all parties, that they had the sanction of the Mayor and Aldermen to proceed with their improvements, the Company closed their bargains for land and made contracts—not before. And we now want to ask if the whole subject is again to be opened for investigation—if the whole scientific subject is to be opened? The Gas Company has had a large experience of more than twenty years, and in that time has been able to make many improvements, obviating many objections to it, which at first existed, and if we are to go into this investigation—and we are obliged to say we shall be obliged to go into it thoroughly if at all—it will be long and laborious. We should like to ask the decision of the Board as to how far we are to be obliged to go in our defence, how far this question of the scientific manufacture of gas is to go, and how far we shall be allowed to go in our reply?

Mr. DEHON, said he presumed it was competent at any time for any number of citizens who felt aggrieved, to petition the Mayor and Aldermen for redress, and although the Board has taken some action in reference to this case, it may at any time review its own action, and make a new investigation. He should suppose that the Company would rather invite an examination than shrink from it.

Mr. BARTLETT, said the Company had no desire to avoid any

investigation that was proper. But here are two questions to be considered. Is it just—is it fair to call on the Company to meet these complaints at this time, after it was supposed that their case was disposed of and they had the sanction of the Board to go on with their alterations? Secondly—Is not the power of the Board exhausted, having once acted on the case and given us the authority we asked? Shall we now go into a long investigation of a matter which we supposed was entirely settled? As for the power of the Board to do certain acts, that is not disputed. But the Board has exercised that power, and therefore has it not been by its exercise, exhausted? By reference to the law it will be seen that the Board has power to *assign* a place for certain trades and occupations. The Board, by the acceptance of the reports of the two committees—that on Internal Health and that on Streets, has assigned to the Gas Company the place to carry on its business—has assigned that spot for the building of the additional works necessary. Again, the gentlemen on the other side claim that the Board has power by law to regulate the operations of the Gas Company. But does regulating mean annihilation? Are we to be induced, by the action and with the sanction of the Board to expend a large amount of capital, and then may gentlemen come here and say that the Board may *regulate* us out of it?

I propose, Mr. Mayor, to stop this investigation on a single point. After having asked your Chairman of your Committee, and obtained his and your consent to go on—after having, on that consent, invested our money to a large amount—can you revoke your decision? Can you, after you have acted upon our application, and we the petitioning parties have spent our capital in accordance with that action,—can you properly consider the case anew?

MR. DEHON. As to the exhaustion of power, that is what cannot take place. By the Charter of the Company, the Mayor and Aldermen may "*at all times*" have the power to "regulate, restrict and control the acts and doings" of the Corporation. There can be no exhaustion, then, for it is a power to be exercised at all times. This is just one of those cases where it is proper for the Board to revise its action. If the Board has committed an error it ought to correct it, and the law gives authority to do so.

ALDERMAN OBER, said that he supposed the Chairman of the Committee had not made a full report to the Board, and that it was his intention, in making it, that the Board should examine the whole question.

MR. BARTLETT. I fear that the question we raise is not fully understood. It is whether in Equity or Law, the Board can

go into this matter again, having once decided it, and the Company having acted on that decision?

MR. DEHON thought that the Board most certainly had the power of revoking its decision.

MR. C. P. CURTIS, one of the Directors of the Company, said he would state how the case stands at the present time. The petition or notice of the Company, signed by Mr. Greenough, was presented to this Board on the ninth of August; it was referred to the Committee on Internal Health, reported favorably on by them, and referred to the Committee on Streets, who also reported favorably. Both reports were accepted by the Board of Mayor and Aldermen. In the mean time negotiations had been going on for the purchase of certain estates, among them that of Mr. Sanford, but none of these negotiations were definitively settled. After the final action of the Board, as it was supposed, having had experience in former times of the necessity for extreme caution in such cases, he (Mr. Curtis,) called on Mr. Alderman Reed and had a conversation on the subject of the Gas Works, asking him if the matter was so settled that the Company could go on with safety to itself—if there was to be no other action upon it. Mr. Reed stated to him that the Board having accepted both reports, he considered that the matter was settled. It was after this conversation, and not till then, that the contracts for the purchase of estates for the use of the Company were closed. The prices paid for land bought by the Company were very high, much higher than they would have been a few years ago, showing that there had not been a depreciation in the value of real estate in that vicinity, but rather a large increase in the productiveness of property.

ALDERMAN REED said—The gentleman is right in his statement so far as I am concerned. I think I referred him to the Clerk of the Board for the facts as to its action. For myself I think there is much force in the views which have been presented by the Counsel for the Company. I was averse to giving a further hearing, on the grounds stated.

ALDERMAN OBER, said he supposed no one disputes that the Company has bought the land since the action of the Board in accepting those reports. The matter of damages is not a question to be settled here. The question is not how much they have expended, but whether we shall act in good faith in having granted a hearing now. He hoped the petitioners would be allowed to go on and present their case, and then the Board could decide whether any further action was necessary. He moved that the parties be allowed to proceed.

ALDERMAN JAMES seconded this motion.

ALDERMAN SLEEPER, recapitulated the facts as already report-

ed. The two reports had been made unanimously, and had been unanimously accepted by the Board. He hoped that that would be a final settlement of the whole case. The Committee on Internal Health made this last report for a hearing before the whole Board, because they felt somewhat embarrassed in relation to it, and wanted the Board itself to take the responsibility of settling it. He felt the full force of the reasoning of the Counsel for the Company. It really appeared to him, that after the Board had given its consent, and parties had been allowed to go on and expend money on the faith of that consent, they ought not to be molested. Unless some very strong and urgent reasons were given why the Board should take the back track, he should say the Company ought to be allowed to go on and extend their works as they proposed to do.

ALDERMAN OBER, said he was willing to do justice to every class of citizens. Even a Corporation so highly favored as this had been for fifteen or twenty years past, should be heard. He was willing to grant a hearing to the petitioners, and he wanted to know if their complaints were mere matter of form or not.

ALDERMAN SLEEPER said that when the Committee of which he is the Chairman, went into an examination of the case, he was impressed with the propriety of allowing the Company to go on with their extensions and improvements. And unless some reasons more strong than any he had yet heard were given for a contrary course, he should adhere to his first opinion.

The question was then taken, and the Board decided that the investigation should go on.

THE MAYOR said that it was extremely desirous to have short sessions, owing to the multiplicity of business on hand, and he hoped the Counsel would not introduce any evidence not absolutely necessary. He thought it hardly necessary to examine more than one witness to any single point.

MR. BOOTH, for the petitioners, then called—

WILLIAM K. JONES. Lives at No. 3 Snow Hill Court.

*By Mr. Booth.* How long have you lived there?

*Answer.* Seventeen months.

*Question.* How far is your house from the Gas works?

*Answer.* About five rods, in a North-westerly direction.

*Question.* What is your experience as to these works,—as to their being offensive, &c.?

*Answer.* We have generally had to rinse our clothes after washing and hanging them on the shed to dry, on account of cinders and smut getting on them.

*Question.* How often does this happen?

*Answer.* Once a month and sometimes oftener. The smell of gas is very offensive, so that we are often obliged to close our windows. It streams in by night as well as in the day time. This is not very frequent. It depends upon the way of the wind. When it is calm we are not troubled in this way.

*Question.* Do you own your house?

*Answer.* I do not.

#### CROSS-EXAMINED.

*By Mr. Clarke.* Who do you hire your house of?

*Answer.* Of Peter D. Minster.

*Question.* Do you occupy the whole house?

*Answer.* No sir. I occupy half and he the other half.

*Question.* Have you a lease?

*Answer.* No written lease. I hire by the month, and can leave when I please.

*Question.* Have you lived any where else in the neighborhood?

*Answer.* I lived at No. 69 Prince street, at the foot of Snow Hill street, between four and five years.

*Question.* Did you keep house there?

*Answer.* No sir. I boarded with my brother-in-law.

*Question.* Is there not a Match-factory close by where you live?

*Answer.* Not that I know of.

*Question.* Not on Commercial street?

*Answer.* Not to my knowledge.

*Question.* What are the cinders that you spoke of?

*Answer.* They are the cinders of the smoke of chimneys.

*Question.* Do you know the difference between the cinders from coal, and coke, and wood?

*Answer.* I do. These cinders were from coal. I mean by cinders—soot.

*Question.* Do you know the smell of coal tar?

*Answer.* I do. The smell I spoke of is the smell of coal tar.

*Question.* You are certain that the cinders came from coal?

*Answer.* I should say that they came from a coal fire.

*To Mr. Booth.* I have a house engaged and shall move in the course of a month, on account of the Gas works. I pay thirty dollars a month more where I am going, than I pay now.

*To Mr. Bartlett.* I am going to move to Unity street.

SEWALL HISCOCK. Lives at No. 14 Hull street. There are

three houses and a school-house between my house and the Gas works.

*Question.* How long have you lived there?

*Answer.* About three years.

*Question.* Do you own your house?

*Answer.* I do.

*Question.* What is your experience of the effects of the Gas works?

*Answer.* We have considerable black stuff flying about our windows, and lodging in the yard, and on the window sills. Sometimes we smell the works, particularly when the wind is North and West. We smell coal tar. It is not so offensive at our house as it is in some other places nearer to the works.

*Question.* What is this black stuff?

*Answer.* It is a sort of dust or soot.

*Question.* Are you always troubled with it?

*Answer.* When the wind is the other way we do not have it.

*Question.* Are you obliged to close your windows in consequence of it?

*Answer.* My family is small, and we do not find it always necessary to keep the windows open.

#### CROSS-EXAMINED.

*By Mr. Clarke.* When did you buy your house?

*Answer.* In May, 1849.

*Question.* Where have you lived before you moved into Hull street?

*Answer.* In Poplar street. I lived there six years.

*Question.* Do you own any other property in the neighborhood?

*Answer.* I do not.

*Question.* And never have owned any other real estate there?

*Answer.* Never any at the North part of the city.

GUSTAVUS ANDREWS. Lives at No. 15 Lowell street.

*By Mr. Booth.* Did you not live near the Gas works?

*Answer.* I did live, and now own the house in Snow Hill street, number eight. It is opposite the head of Sheafe street, on the corner of the alley leading to the Gas works. It is about one hundred feet from the Gas works.

*Question.* What did the house cost you?

*Answer.* I paid originally for the house \$2650,00, and it cost me considerably more to fit it up. It cost me in the whole more than,—or about three thousand dollars. I should be willing to sell it now for twenty-five hundred dollars.

*Question.* How long have you owned it?

*Answer.* I bought it eight or ten years ago.

*Question.* How long is it since you moved away?

*Answer.* I have not lived there for the last four years. I could not live there in consequence of the Gas works.

*Question.* Please state your experience as to the effects of the Gas works.

*Answer.* They were a nuisance all the time I lived there. The clothes hung out to dry were usually dirtied by the smoke or cinders. I finally went into the Gas Yard to see what it was, and ascertained that they were in the habit of emptying their coke into the yard and throwing water on it, which caused the cinders to fly up into the air.

*Question.* How is the value of your house affected by this?

*Answer.* I get for it now two hundred dollars a year, and for the one below it, which I own, I get seventy-five dollars a year. I think that I could get for the entire rent of the whole, three hundred and fifty dollars, if it was in any other locality, or if the works were not there.

#### CROSS-EXAMINED.

*By Mr. Clarke.* How many houses do you own in that neighborhood?

*Answer.* This one I speak of, and one on the corner, which is an addition. I also own one in Tileston street.

*Question.* When did you purchase in Snow Hill street?

*Answer.* Some eight or ten years ago.

*Question.* After the Gas works were located there, was it not?

*Answer.* Yes sir.

*Question.* Who did you buy of?

*Answer.* I bought of John Cutter, the Blacksmith.

*Question.* Did you buy all at one time?

*Answer.* It is all one estate, the small tenement is an addition to the other.

*Question.* Did you buy to live in it, or to let?

*Answer.* I bought for the purpose of moving there.

*Question.* Had you ever lived in the neighborhood before?

*Answer.* I lived in Charter street before I went to Snow Hill street.

*Question.* You say you left there four years ago. You left for the purpose of moving to the Jail, did you not, when you was appointed Jail keeper?

*Answer.* Yes sir.

*Question.* It was necessary, was it not, that you should live at the Jail?

*Answer.* Yes sir.

*Question.* What has been the character of the population in the neighborhood?

*Answer.* Very good. There were no Irish there until within three years, and they have considerably increased since then. I would be glad to sell my house now for twenty-five hundred dollars.

*By Mr. Booth.* How did they get there? What in your opinion is the cause of the Irish going in there?

MR. BARTLETT thought this not a necessary question in the case. The MAYOR concurred with Mr. Bartlett, and the question was withdrawn.

WILLIAM H. LEARNARD. Lives at No. 12 Snow Hill street.

*By Mr. Booth.* How far from the Gas works?

*Answer.* About one hundred feet from the alley leading to the Gas works. In a South-east direction.

*Question.* How long have you resided there?

*Answer.* Nine or ten years.

*Question.* Do you own your house?

*Answer.* Yes sir.

*Question.* Do you own any other house in the neighborhood?

*Answer.* I don't own any other real estate.

*Question.* Please state your experience as to the Gas works, the effects of the soot, &c.?

*Answer.* There is, at times, a bad smell of tar and gas; and the clothes when hung out to dry are covered with the soot, so that they are obliged to be rinsed. My father used to live in Charter street, and I have heard my sisters say that they had the same trouble with their clothes. There are minute particles in the air coming from the coal. We see this in the yard and on the window sills. When the coke is brought out and has water thrown on to it, in the yard of the Gas works, there is a white substance rises, and sometimes the coke thrown out makes such a show as to raise an alarm of fire. I think the works are a nuisance, and they are so considered by the neighbors.

*To the Mayor.* I have owned the house ten years, about. I bought it since the Gas works were there. I should think it had not increased in value since I bought it. If the Gas Company want my house they may have it for what it cost me, and I should like to sell it to them.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* What did you pay for your house?

*Answer.* Four thousand dollars. I have put improvements on it to the amount of about five hundred dollars.

*Question.* Then the house and land have cost you up to this time, forty-five hundred dollars?

*Answer.* Yes sir.

*Question.* What sort of a house is it, and how old a house?

*Answer.* It is a brick house, and was three or four years old when I bought it.

*Question.* Where does the soot come from?

*Answer.* It comes from the chimneys of the Gas works, it is a sort of black stuff. I suppose that the dust from the coke is another cause of the trouble.

*Question.* Can you tell from the deposit of matter where it comes from?

*Answer.* I should say that the most of it comes from the chimney.

*Question.* Can you tell the difference between the soot from the Gas works and that from other works,—planing machines and others?

*Answer.* I can tell the difference. I have seen it fly up.

*Question.* Can you tell, from seeing it in your yard and on your window sills where it comes from?

*Answer.* It would be impossible for me to tell after it is deposited, where it comes from. I only know when I see it.

*Question.* Is it always lodged in your yard?

*Answer.* It is not there at all times, only when the wind is from that quarter.

*Question.* Do you perceive the soot at any other time?

*Answer.* We never perceive the soot when there is no wind.

*Question.* Do you perceive it in all parts of your house?

*Answer.* Only in the second and third stories. I never go on to the roof.

*Question.* It is no where else, then, except on your second and third story windows?

*Answer.* It is on the roof of the kitchen, which is a one story building. We can see it there very often.

SAMUEL B. KROGMAN. Lives at No. 15 Hull street.

*Question.* How long have you lived there.

*Answer.* Two years.

*Question.* Do you own your house?

*Answer.* I do.

*Question.* How far are you from the Gas works?

*Answer.* About three or four hundred feet, in a South-easterly direction.

*Question.* Please state your experience as to the Gas works, whether they are a nuisance or not?

*Answer.* We have a great deal of trouble from fine dust—

soot dust—a black substance which lodges on our windows, &c. We have been obliged to put cotton cloth between the window cracks to keep it out. We perceive it most in light windy weather. I have noticed the same black substances in the air. It gets on to my carpet in the parlor, and my wife has called my attention to it several times.

*Question.* How is it with respect to the clothes in the wash?

*Answer.* They are often covered with this fine dust, and have to be rinsed out after they are hung out to dry. In Sheafe street, when we lived there, our clothes often had to be washed over again.

*Question.* Have you any smell from the Gas works?

*Answer.* Some.

*Question.* Have you any invalids in your house?

*Answer.* No sir.

*Question.* Are there any in the neighborhood?

*Answer.* Not that I know of.

*Question.* How is the value of real estate in your neighborhood affected by the Gas works?

*Answer.* I know very little as to the value of property at the North End.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* Where did you move from, when you came to Hull street?

*Answer.* I moved from Charter street.

*Question.* Where did you live previously?

*Answer.* In Sheafe street.

*Question.* Then you moved from Sheafe street to Charter street, and from there to Hull street. How long did you live in Sheafe street?

*Answer.* I lived six years in Sheafe street.

*Question.* Did you own your house there?

*Answer.* I did not; I hired in Sheafe street, and in Charter street.

*Question.* You moved then to Hull street: did you hire there, also?

*Answer.* I bought my house in Hull street when I moved there.

*Question.* What did you pay for it?

*Answer.* It cost me fifty-six hundred dollars, two years ago.

*Question.* How large a house is it?

*Answer.* It is, I believe, eighteen feet and a half by sixty-five, or thereabouts. It is a brick house, three stories high.

*Question.* Are you farther off now from the Gas works than you were in Sheafe street?

*Answer.* I think my house in Sheafe street was nearer, but I am not certain.

*To Alderman Ober.* I have spent eight hundred dollars, at least, in repairs and additions—principally in additions. I include in that, the Gas fixtures, Water pipes, &c. I should be willing to sell now for the fifty-six hundred dollars, and the eight hundred dollars added.

JAMES NEWHALL.—

MR. BARTLETT asked where this examination was to stop. He had no desire to stifle investigation, but it seemed to him that the evidence so far, was sufficient.

ALDERMAN OBER said he thought the examination of witnesses ought to go on. There was no doubt that the Board would give the same indulgence to the other side.

*By Mr. Booth.* Where do you live?

*Answer.* Near the Gas House. My land borders on their line. I am in the rear of 310 Prince street, on the back lot adjoining and next to their gate.

*Question.* How long have you lived there?

*Answer.* I have lived from thirty to forty years in the neighborhood.

*Question.* Do you own any real estate in that neighborhood?

*Answer.* I own two houses in the neighborhood.

*Question.* What is your experience as to the nuisance caused by the Gas Works?

*Answer.* Our clothes frequently have to be washed a second time, or rinsed after they have been hung out to dry. The soot has incommoded us very much. It lodges on the window sills, and the dust comes through the cracks of the windows and doors. We are always obliged to keep our windows closed when the wind is in a certain direction. I let one house, and it is empty a good deal of the time, in consequence of the Gas Works. People object to hiring it on account of the Gas House.

*Question.* What is the relative value of property now, in that neighborhood?

*Answer.* I think it has reduced the value of property there. People make objections on account of the Gas Works.

*Question.* Don't you know the value of houses there?

*Answer.* I have not been familiar with the sales of houses in that neighborhood for the last fourteen years.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* When did you purchase your house?

*Answer.* About thirty-five years ago.

*Question.* You bought it, then, before the Gas Works were put up?

*Answer.* Yes, sir.

*Question.* Have you endeavored to sell your house?

*Answer.* I have never endeavored to sell, nor to buy.

*Question.* Have your taxes been any less since you bought your house?

*Answer.* My taxes have increased every year.

*Question.* Would you be willing to sell your house for what you gave for it?

*Answer.* I would be willing to sell for what it is worth, but not for what it is taxed at.

*Question.* How much did it cost you?

*Answer.* I can't tell, exactly. I gave eleven hundred dollars for the land, and built my house on it. I built it as I had time, and the house, probably, cost me from eighteen hundred to two thousand dollars.

*Question.* How large is your lot?

*Answer.* There is from eighteen hundred to two thousand feet of land.

GARDNER WARREN.—Lives at No. 5 Hayward Place.

*By Mr. Booth.* What is your business?

*Answer.* I am employed in the erection of Gas works.

*Question.* How long have you been employed in this business?

*Answer.* I have been directly employed in it for five years, nearly six, and have been connected with the erection of eight different ones.

*Question.* Where were they?

*Answer.* Cleveland, Dayton, Salem, Great Falls, Portsmouth, Charlestown, Lynn, and Woonsocket.

*Question.* Are you acquainted with the Gas Works in other cities?

*Answer.* I have frequently visited the Gas Works in other cities; particularly those at Buffalo, Cincinnati, Rochester, Utica, Syracuse, Albany, Troy, and New York city.

*Question.* In your experience, and observation, what location is the best, and what has been decided upon for the location of Gas Works?

*Answer.* They are generally located in the outskirts of the city, where I am acquainted with them.

*Question.* Why? What reasons are there for this?

*Answer.* The Companies generally seek the most eligible location, taking into consideration the elevation of the land, the price, and the convenience to the Company. Of course we avoid the most populous parts of a city.

*Question.* What is a proper site, with regard to elevation

of the ground, for the Works, and the convenience of the consumers?

*Answer.* Generally, low ground is preferable. We go as low as we can, with a view to sinking our tanks.

*Question.* Why so?

*Answer.* Because Gas is lighter than the air, and rises without any artificial pressure. Elevated situations for manufacturing Gas are not desirable. We work to get as near the main point of consumption as is practicable.

*Question.* What is the process that is gone through with, in manufacturing Gas?

*Answer.* The first thing is the putting the coal into the Retorts; these are then closed perfectly tight at the mouth. Being heated, the Gas passes from the coal to the Hydraulic main, where the tar is deposited; then the Gas passes to the condensers or washers—it depends a good deal on the construction of the works—if the Gas is purified by dry lime, it is conducted directly to the washer; but if not, if wet lime, it goes to the condensers first, and then to the washer, and then to the purifier, and then to the Gasholders.

*Question.* What are the Retorts made of?

*Answer.* Of cast iron.

*Question.* How large are they?

*Answer.* About twenty inches in width, and one foot high. They are in the shape of a D.

*Question.* Are they not charged to a red heat?

*Answer.* Yes, sir.

*Question.* In charging them, is there not considerable smoke?

*Answer.* Considerable, sometimes.

*Question.* And some flame?

*Answer.* Yes, at the lid. I don't know as that can be avoided. When in the process of charging the Retorts, some Gas must escape. The Retorts are generally charged, and discharged, once in four hours. The Coke is taken out and new coal is put in; and there must be some little escape of Gas at that time, with some smoke.

*Question.* What is done with the coke?

*Answer.* It is generally taken into the yard, and water is thrown on it.

*Question.* Is there not some Gas escapes from the coke?

*Answer.* Very little. There is a steam arises from it, when water is thrown on it, of course. There is very little that is offensive in Coke.

*Question.* Are you acquainted with the Gas Works at the North End?

*Answer.* I was in the yard once.

*Question.* Don't you know how the Works are situated with regard to Prince street?

*Answer.* I do not.

*Question.* What would be the most proper location for the mains and retorts?

*Answer.* It would be most proper, of course, to have the mouth of the Retorts from the street, and to have a blind wall on the street. The Hydraulic mains should run parallel with the street, and sometimes there might be a brick receiver of Gas.

*Question.* What would be the effect of setting back the Gas on the Retorts?

*Answer.* I really can't tell. It might, if not soon stopped, injure the Retorts.

*Question.* Is a traveled street a proper, and safe location for a Retort House?

*Answer.* We generally erect them on the street. It depends upon, and is according to the location of the whole ground, how it is placed.

*Question.* Is not the Retort House the most offensive portion of the Gas Works?

*Answer.* Yes.

*Question.* Can the escape of Gas and smoke be entirely prevented?

*Answer.* It cannot.

*Question.* Is there no smell from the Coke?

*Answer.* Very little or no smell. The offensive substances are taken away by heating.

*Question.* Is the Gas which escapes from the Retorts, pure or impure?

*Answer.* All Gas escaping from the Retorts, is of course more offensive than purified Gas.

*Question.* Could not this Company distribute more Gas than they do now, without enlarging their Works?

*Answer.* I am very little acquainted with their establishment, and can't tell whether they would be able to distribute more than they do, or not. I suppose their mains are now only large enough to distribute what is manufactured.

*Question.* What, and how much is necessary, then?

*Answer.* They must enlarge their mains, of course. That is a very important part of their establishment, very. And the Gasholder at the side of the Works is not sufficient.

*Question.* Would not a Gasholder off the line of the Works, answer equally as well?

*Answer.* They might have a Gasholder nearer to the point of consumption.

*Question.* What other substance escapes from the Retorts besides Gas?

*Answer.* There is considerable smoke, and soot.

*Question.* Any Coal Tar?

*Answer.* Some. It does not all come out by the Hydraulic mains.

*Question.* Does not the ammonia permeate the ground?

*Answer.* It does not.

*Question.* What is done with the Coal Tar?

*Answer.* It is put into barrels, usually, and sold.

*Question.* Is not that operation very offensive?

*Answer.* Very little odor escapes from it.

*Question.* Where is it kept before it is put into barrels?

*Answer.* Various plans are adopted as to where a reservoir should be put. Sometimes they build them of brick, and sometimes barrels only, are used, near the Gasholder.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* Is there any escape of smoke and soot from the coal when it is in the Retort?

*Answer.* Only while the Retort is open to put coal in,—only while in the operation of charging.

*Question.* Those Retorts open into a room, do they not?

*Answer.* Yes sir.

*Question.* Is not coke sometimes used for the fires?

*Answer.* They sometimes use coal and sometimes coke.

*Question.* Is there any smoke in the building except from the coal fire?

*Answer.* No sir.

*Question.* And all that escapes from the chimney, does it not?

*Answer.* Yes sir.

*Question.* Is there any smoke from coke?

*Answer.* No, sir.

*To Mr. Booth.* Charging and discharging the Retorts generally occupies about five to eight minutes. The coal tar passes into the reservoir without much smell. The time occupied in charging depends very much on the expertness of the workmen. During that time there is usually flame and smoke escaping from the Retorts, caused by throwing in the fresh coal.

*Question.* Is there not, of course, gas with that flame?

*Answer.* There is considerable flame, sometimes. Very little or no gas.

*Question.* Where does what escapes, go to?

*Answer.* Into the building.

*Question.* How are these Retorts heated?

*Answer.* They are heated in an oven.

*Question.* How often are they charged?

*Answer.* About once in four hours.

*Question.* Can a building be so constructed as not to allow smoke, &c., to escape so as to be offensive?

*Answer.* If the building is on high ground there would be no trouble. The smoke and gas that escapes is generally through the chimney. If the building is on low ground there is no way to prevent these substances from being felt in the neighborhood.

*Question.* Can you draw up the Coal Tar high up on a hill?

*Answer.* That would be according to the degree of pressure. Adjourned to Eleven A. M., to-morrow.

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Sept 15, 1852, 11½ A. M.

Examination for the Petitioners resumed by Mr. BOOTH.

ENOCH H. SNELLING. Lives at No. 160 Salem street.

*Question.* How far from the Gas works?

*Answer.* About four or five hundred feet.

*Question.* In what direction?

*Answer.* South-easterly.

*Question.* What is your business?

*Answer.* I am a Glazier by trade. I don't follow it any where now. I used to work in Richmond street.

*Question.* Are the Gas works offensive?

*Answer.* They create a bad smell.

*Question.* Have you had opportunities of knowing about the effect of those works in the neighborhood?

*Answer.* I have been, I should think, in all the houses—every house in the Ward.

*Question.* Well, what is your experience as to the difficulties, or nuisances created by the Gas works?

*Answer.* There is a very bad smell, and oftentimes dust or soot flying about; the soot is in particles, appearing something like small insects—size of a small fly. When the wind is North West we smell the gas at our house, but when it is in other directions we do not.

*Question.* Are you acquainted with the value of property in that neighborhood?

*Answer.* I have heard of some sales being made—

MR. BARTLETT objected to the witness giving any opinions from hearsay.

MR. BOOTH replied that unless he should be allowed to ask opinions of witnesses, he should be obliged to call every man, woman and child in that region, to get at facts.

THE MAYOR said the Board could form their own opinions. ALDERMAN OBER thought the witness ought to be allowed to go on.

*Witness.* My opinion is that the value of property has been affected very considerably. I know of houses valued at five to six thousand dollars which have been sold at from two to three thousand.

*To the Mayor.* They were valued at five to six thousand before the Gas works were built.

*Question by Mr. Booth.* You have been an assessor in your ward, have you not?

*Answer.* I have been an assistant assessor for about ten years, at different times during the last twenty-five years.

*Question.* Were you guided in your valuation of property by the Gas works?

*Answer.* We never considered the property so valuable as if the Gas works had not been there. The class of people who formerly lived there would not now live there, and have not lived there since, in consequence.

*Question.* What sort of changes have taken place?

*Answer.* Before the Gas works were built the people were very respectable, and now the houses are mostly occupied by foreigners.

*Question.* What is the reason for this change?

*Answer.* The reason is the effect of the Gas works.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* How long have you lived at No. 160 Salem street?

*Answer.* Since 1827.

*Question.* Always in the same house?

*Answer.* Yes sir.

*Question.* Were you present at the hearing in relation to those works in 1832.

*Answer.* I think not.

*Question.* Did you sign the remonstrance at that time?

*Answer.* I don't recollect. I knew of it, but I can't recollect whether I ever saw it or signed it.

*Question.* Do you own any other property in that neighborhood?

*Answer.* I own house No. 128 Salem street, near the corner of Prince and Salem streets. I owned a small house previous to 1827. Have not bought or built there since. I bought in 1836 a house nearer Prince street, about one hundred feet further off from the Gas works. It was a three and a half story brick house, seventeen feet two inches front.

*Question.* What was it worth?

*Answer.* It was assessed at thirty-six hundred or four thousand dollars.

*Question.* Have you made any sales of real estate in that neighborhood?

*Answer.* I have not made any myself. All I know is matter of report. I never have bartered nor endeavored to buy. I had no occasion.

*Question.* What houses did you speak of that were valued at five or six thousand dollars and sold for two or three?

*Answer.* One was at the corner of Commercial and Hull streets.

*Question.* Who bought it?

*Answer.* I believe it was bought by the Gas Company.

*Question.* Who owned it?

*Answer.* I don't know.

*Question.* Who valued this at five or six thousand dollars?

*Answer.* I said *worth* that—not *valued* at that.

*Question.* Do you know, yourself, about that house?

*Answer.* I have seen it and been in it. I never had occasion to pass my judgment on it.

*Question.* Did you assess it before the Gas Company built in the neighborhood?

*Answer.* I don't recollect.

*Question.* How do you know it was worth five or six thousand dollars?

*Answer.* In my estimate I rely on my general knowledge of what the house was worth.

*Question.* Have you ever estimated its value for any purpose?

*Answer.* I never had occasion to pass judgment on this house in particular.

*Question.* Who occupies it now?

*Answer.* I believe Mr. Lawler lives in it.

*Question.* Do you know who lived in it when it was worth five or six thousand dollars?

*Answer.* I don't recollect.

*Question.* What information have you as to the price at which it was sold?

*Answer.* I got my information from a friend, and from common report.

*To Alderman Reed.* Houses worth forty-two or forty-three hundred dollars we have been in the habit of putting down in our assessment at four thousand.

*By Mr. Clarke.* Is there any other instance of a sale at such a reduced price?

*Answer.* I believe the house on the opposite corner sold for less than three thousand dollars.

*Question.* Who bought it?

*Answer.* I believe it was bought by Edward Bell.

*Question.* Who sold it?

*Answer.* I believe it belonged to the Bemis estate.

*Question.* How did you know what it was worth?

*Answer.* I judge from a general opinion of all the houses, —from common report. I know all the houses in the neighborhood.

*Question.* When was it built?

*Answer.* It was built before the Gas works.

*Question.* Do you know of any other house sold in that neighborhood for less than it was worth?

*Answer.* Jefferson Clark's house, on the corner of Snow Hill and Hull streets, was sold very low. I think that the house opposite to Lawler's was sold within five years for about three thousand dollars.

*Question.* Where did the foreigners first locate in your neighborhood?

*Answer.* In Capt. Sanford's block.

*Question.* Where did they spread to?

*Answer.* I can't tell. I think they got into Prince street first, and went to Capt. Wallis's and some houses beyond.

*Question.* Are the people who have come there all Irish?

*Answer.* There are some blacks. The Irish have spread through the street very much. They have got over on the other side; into Capt. Porter's, and half a dozen on the line from Hull to Snow Hill street.

*Question.* Have not the Irish spread in other parts of the city, when they have once commenced?

*Answer.* I am not so much acquainted with other parts of the city as with Ward One.

*Question.* Did not the Irish spread into the neighborhood of Commercial and Prince streets from Ann street?

*Answer.* I don't know. I know that there are Irish in Ann street.

CAPT. JOHN SMITH. Lives on Commercial street.

*Question.* How far from the Gas works?

*Answer.* About an eighth of a mile.

*Question.* How long have you lived there?

*Answer.* Over fifty years. I remember the establishment of the Gas works, and spoke to Mr. Robinson when he came there about them. I told him then that they would be a nuisance. I was one of the remonstrants from the beginning, and my opinions have not been changed, although the nuisances have been abated very much.

*Question.* Are the works now a nuisance?

*Answer.* Not so much as they were. They are no nuisance to me, but I should think they would be to persons living

nearer. There is some little smell, and a small quantity of dust occasionally.

*Question.* In what direction is your house from the Gas works?

*Answer.* About East-North-East.

*Question.* Are you acquainted with the value of property in the neighborhood?

*Answer.* Not a great deal.

*Question.* What is the character of the inhabitants?

*Answer.* It has changed a great deal. It used to be better than it is now. The foreigners have driven the natives out.

*Question.* What sort of people used to live there?

*Answer.* They were Americans,—carpenters, ship masters, &c.

*Question.* Were they driven away by the Gas works?

*Answer.* I don't know whether the change was made in consequence of the works or by the Irish coming in. I suppose some moved because of the Gas works, and suppose some in consequence of the Irish. Those near the works moved first.

*Question.* What would be the effect of an increase of the works?

*Answer.* I should think it would be bad, if the character of the works was the same as it was when they were first built. It has been very offensive and a great nuisance, so that when the windows were open, the gas would come in. But the nuisance has abated very much.

There was no cross-examination of this witness.

ELISHA STEARNS. Lives at the corner of Salem and Prince streets.

*Question.* In what direction and how far from the Gas works?

*Answer.* About twenty rods off, in a South-westerly direction?

*Question.* How long have you lived there?

*Answer.* Since 1824. Before the Gas works were built.

*Question.* Who resided there when the Gas works were first established? In that neighborhood?

*Answer.* Americans generally, masters of vessels, carpenters, and other people of much respectability. Some families were composed of very valuable men. It was the same on the hill, as on Prince street.

*Question.* How are they occupied now?

*Answer.* The Americans have vacated the houses, and they are now filled with foreigners.

*Question.* Why has this change been made, is it in consequence of the Gas works?

*Answer.* I don't know, but I suppose it is in consequence of the Gas works, and of the nuisance. I suppose the Americans left on account of the smell, as I have heard that they said so—and also for the dust.

*Question.* Do you own your house?

*Answer.* I do.

*Question.* What would be the effect of the establishment of a new Retort house on Prince street?

*Answer.* My impression is that it would reduce the value of my house at least twenty-five per cent. for occupation by Americans, but not for letting to Irish.

*Question.* Have you any Irish near you now?

*Answer.* There is a mixed class near me now, and some characters I am afraid of. There are a good number of American people now in my neighborhood, and I have exerted myself to have them remain.

*Question.* And they are going to move in consequence of the Gas works?

*Answer.* They say it is because so many Irish are there—that is the reason they give for moving.

*Question.* Is there any other nuisance from the works than the smell and smoke?

*Answer.* The effect of carting round the coal is bad, it is a great nuisance. Last winter when the snow lay in the street four feet deep, being shoveled up from the side walks, the carting of coal round from the wharf, through Prince and Salem streets to Sheafe street, crossing Snow Hill street, was a great nuisance, and by making deep ruts, &c., made the streets dangerous.

*Question.* Did you complain of it?

*Answer.* I often spoke of it, but I never made any complaint or objection to it.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* When did you buy your house?

*Answer.* In 1824. At the time I went there to live.

*Question.* Were you present at the former hearing, in 1832?

*Answer.* I was not present. I knew of it.

*Question.* Did you sign the remonstrance at that time?

*Answer.* I don't recollect that my name was on it.

*Question.* Are the works as offensive now as they were then?

*Answer.* They were then much more offensive than they are at the present day. My impression is that there was much more smell then than now.

*Question.* Where did the foreigners first locate, in that neighborhood?

*Answer.* I don't recollect.

*Question.* What progress have they made?

*Answer.* I don't know. My impression is that they began somewhere in or about Sanford's houses, and they have spread widely. They have got round from Commercial street, and in that direction.

*Question.* Did they not begin from the direction of Ann street?

*Answer.* I don't recollect where they did begin?

*Question.* How long since they first began to come into that neighborhood?

*Answer.* About ten or fifteen years.

*Question.* Was not the first colony of Irish in that neighborhood in Ann street?

*Answer.* I think it was.

*Question.* And it spread from there to Capt. Sanford's Block?

*Answer.* Very likely. I think so.

*Question.* Well, your principal discomfort from the Gas works, now, is the carting of the coal, is it not?

*Answer.* No, I don't like to have it go that my objection is on that ground. My greatest trouble is from having the Americans moving away and the Irish moving in to take their places. The carting is one of the objections.

*By Alderman Ober.* How many years have they carted their coal in this way?

*Answer.* I don't know.

SAMUEL ASPINWALL. Lives in Sheafe street.

*Question.* How far from the Gas works?

*Answer.* A little over a stone's throw.

*Question.* How long have you lived there?

*Answer.* For twenty years?

*Question.* What has been your experience as to the Gas works?

*Answer.* I have seen the works. We have had some smell from them. They are a great nuisance now. The soot, and smoke, and smell are a nuisance. They spoil the whole neighborhood.

*Question.* Have you had any trouble with your clothes, when hung out to dry?

*Answer.* We have had some covered with smut or soot.

*Question.* Have you had any sickness in your family?

*Answer.* Yes, sir.

*Question.* Any pulmonary complaints, any deaths?

*Answer.* No pulmonary complaints that I know of. People have died in the neighborhood, as they do in other places.

*Question.* What has been the effect on the character of the population?

*Answer.* It has changed very much. The best citizens, in consequence of the Gas works, have moved away. All round the Gas works, for the eighth of a mile, is filled up with Irish. The diminution of respectable American families is fifty per cent.

*Question.* What effect has there been on the value of real estate?

*Answer.* Many very excellent houses have been sold for a great deal less than they were worth. Many houses have been sold for half their value.

*Question.* What has been the effect on your estate?

*Answer.* My house is further off than those I name.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* When did you purchase your house?

*Answer.* When I went there.

*Question.* Were the Gas works there then?

*Answer.* They had been there sometime before I went there.

*Question.* Where did you move from?

*Answer.* I have always lived in that neighborhood. The house I formerly lived in was about the same distance from the Gas works as that I live in now.

*Question.* Did you own it?

*Answer.* I own both houses.

*Question.* Has the nuisance you speak of increased any?

*Answer.* It used to be much more of a nuisance than it is now.

*Question.* Do you own any other real estate in the neighborhood?

*Answer.* I have bought on the corner of Charter and Salem streets. I own in Phipps Place.

*Question.* When did you buy that estate?

*Answer.* About six years ago.

*Question.* How far are these from the Gas works?

*Answer.* About the same distance as where I live.

*Question.* Did you build the houses?

*Answer.* The houses were there when I bought the estates.

*Question.* Do you own any other estate in that vicinity?

*Answer.* I own on Commercial street—two houses I bought. One I took for a debt and the other I purchased.

*Question.* And you think that the Gas works have lessened the value of this property?

*Answer.* If the Gas works were away property would rise very much. I should much prefer to live there if they were away.

*Question.* You say that you bought your house twenty years ago?

*Answer.* It may be less than twenty years that I bought it.

*Question.* Has it diminished in value since?

*Answer.* I don't know that there has been much change in value since I bought it.

*Question.* Has property in general diminished in your neighborhood since you lived there?

*Answer.* I should think not. I should say it had held its own.

**JOB TURNER.** Lives in North Bennett street.

*Question.* How far from the Gas works?

*Answer.* Some ways off.

*Question.* In what direction?

*Answer.* About South-easterly.

*Question.* How long have you lived there?

*Answer.* Thirty-seven years.

*Question.* Has the character of the inhabitants in the neighborhood changed in that time?

*Answer.* Before the Gas Company came there the character of the people was good. Since then it is worse.

*Question.* What sort of people were they?

*Answer.* They used to be mechanics, merchants, ship-masters, &c., all Americans.

*Question.* What are they now?

*Answer.* The Irish have been creeping in, gradually.

*Question.* Why did the Americans leave?

*Answer.* I suppose it was in consequence of the bad smell, &c.

*Question.* Does the bad smell annoy you?

*Answer.* I perceive the smell occasionally.

*Question.* What has been the effect of the Gas works on the property in the neighborhood?

*Answer.* Why, near the Gas-house it has diminished at least twenty-five per cent. for dwelling houses.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* Do you know where the Irish came into the neighborhood first?

*Answer.* I think they first came into Commercial street.

*Question.* Where did they come from?

*Answer.* From the North, I should think.

*Question.* Where do you think they first appeared?

*Answer.* I don't recollect that they appeared to me any where before they came into Prince street. They might have got in back of the Gas house first. I think they first got into Capt. Sanford's Block.

*Question.* Are the Irish confined to the immediate vicinity of the Gas Works?

*Answer.* I think not.

*Question.* Are you acquainted with the value of property in the neighborhood?

*Answer.* I never had any occasion to enquire the price of any property. I knew of the sale of a small house in Hull street, some two or three years ago, to Mrs. Rogers, for twenty-one hundred dollars.

*Question.* Do you know what that house cost the person who sold it?

*Answer.* I don't know what the former owner got for it.

*Question.* Did you sign the remonstrance?

*Answer.* Yes, sir.

*Question.* Why; was it because the Gas Works injured your property?

*Answer.* I signed it because I understood that the Gas Company injured other folks.

*Question.* Then it was not because they affected your property?

*Answer.* No, sir.

ISAAC HARRIS. Lives at No. 52 North Bennett street.

*Question.* How long have you lived there?

*Answer.* For thirty-six years. I have always lived at the North End. I have never lived out of the limits of Hanover street and Bennett street in one way and never west of there.

*Question.* How far do you live from the Gas Works?

*Answer.* About six to eight hundred feet.

*Question.* Is the character of the population different from what it was before the Gas Works were established?

*Answer.* Yes.

*Question.* Who, and what occasioned its change?

Mr. HARRIS was accommodated with a seat, and begged leave to commence and tell his whole story from the beginning. He was allowed to do so; and he gave a very interesting history of the North End, for several years before and since the establishment of the Gas Works; but principally confined to the period before the Gas Works had any existence. He said that the Works had always been a nuisance, and in his opinion, the nuisance had increased from the beginning. He thought any enlargement of the Works, would be a still further increase of the nuisance. In former times, on the hill, and below the hill, many respectable families used to live; but now the whole have left the place, and an inferior class of inhabitants have come in. He considered the neighborhood as ruined by the Gas Works.

*Question, by Mr. Booth.* What has been the effect on property in that neighborhood?

*Answer.* Not being a dealer in real estate, I cannot say precisely what has been the effect; but I believe that if the Works are extended as is proposed, it will be injurious to all the people in the neighborhood. Many will be obliged to move, or will move to get out of the way of the Gas.

*Question.* How is it with yourself?

*Answer.* I think I shall be obliged to seek some other location.

*Question.* Do you smell the Gas at your house, all the time?

*Answer.* We smell it every day, more or less.

*Question.* You can distinguish that from any other smell, I suppose?

*Answer.* I believe that whoever has once smelt the Gas, would never mistake it for any other smell.

*Question.* How is it with your clothes, when hung out to dry?

*Answer.* They are frequently covered with dust and smut from the Gas Works, so that they have to be rinsed.

#### CROSS-EXAMINATION.

*By Mr. Bartlett.* Do you own the premises affected by the location of the Gas Works?

*Answer.* I do.

*Question.* In your remarks, you stated that there was considerable trouble from the crock and smut on the snow in the winter season. Is that always the case, or only when the wind blows from a particular direction?

*Answer.* I don't know about the particular direction of the wind. We are near enough for the smoke, dust, and smell to affect my house: the smoke frequently seeming to fill the whole house.

*Question.* Did you sign the remonstrance of 1832?

*Answer.* I think it likely it was signed by me. I have always been opposed to the Gas Works, in theory.

HENRY N. HOOPER. Lives in Sheafe street.

*Question.* How far from the Gas Works?

*Answer.* Less than five hundred feet.

*Question.* How long have you lived there?

*Answer.* I have lived in the neighborhood thirteen years, last November.

*Question.* How long have you been acquainted with that neighborhood?

*Answer.* Since December, 1811.

*Question.* What has been the character of the population, during that time. Has it changed any?

*Answer.* Formerly the inhabitants were all Americans,—mechanics, ship masters, lawyers, and physicians, &c. Now the whole character of the population has changed; and in particular in the neighborhood of Copps Hill. All this is owing to the Gas Works.

*Question.* Does this change operate further?

*Answer.* It extends over the whole of Ward One.

*Question.* You think it is caused by the Gas Works?

*Answer.* I am certain of it.

*Question.* Are you affected at your residence, by the Gas Works?

*Answer.* At my house we have a very unpleasant odor, and considerable dust and dirt coming from that source.

*Question.* Can you distinguish what that odor is?

*Answer.* It is the odor from the distillation of coal.

*Question.* Is it from the smell of Gas?

*Answer.* Not the smell of Gas, exactly, but the natural smell connected with its manufacture.

*Question.* Where does the dust and dirt you speak of, come from?

*Answer.* The dust arises from the dirt which necessarily escapes from the distillation of coal.

*Question.* Do you know how many Retorts are now used by the Gas Company?

*Answer.* I believe one hundred and thirty are now used.

*Question.* How often are they charged?

*Answer.* I believe, that, on an average, they are charged every four hours.

*Question.* Do you know the number of bushels of coke discharged at a time?

*Answer.* I suppose that depends, somewhat, on the consumption of Gas.

*Question.* Are these Retorts, some of them, always open?

*Answer.* A considerable portion of the Retorts, I should say, of necessity, must be open all the time.

*Question.* Where they propose to build their extension, is lower than the present Works, is it not?

*Answer.* I should say it was.—I know it is.

*Question.* In former times, I understood you to say, that there was a richer class of people lived on the hill?

*Answer.* In 1811 and 1812 there were moderate houses on the hill.

*Question.* You heard the testimony of Mr. Stearns, as to the nuisance occasioned by carting coal. Do you know any thing about it?

*Answer.* It is a constant source of annoyance. I have complained of it, frequently, to Mr. Darracott.

*Question.* Do you know any thing of the value of property—real estate, in your neighborhood?

*Answer.* On the street where I live, I have known estates sold for less than they were worth, because the people wanted to move away. The next house but one to mine, sold two years ago for \$5100, by Mr. Heard, who said he was glad to get out of the city. Another, the next house, was sold, yesterday, at auction for \$4500,—this was the second time it was offered at auction; the first time it could not get a purchaser. Mr. Simon W. Robinson sold the house, above me, on the same street, because, he said, it would never more be fit for any thing but Irish tenants. Martin Bates has sold a house there, at what he called a great price; although it was less than it was worth, because he was glad to get rid of it.

*Question.* Do you know any thing of the coal, or coke taken from the Retorts; what is done with it?

*Answer.* The charred coal is taken from the Retorts, and thrown into the yard, when water is thrown on to it.

*Question.* That makes a steam, and causes dust, does it not?

*Answer.* Steam generates, of course, from throwing water on the burning coke. I can't say whether any dirt arises from it.

*Question.* Is there any smell from this operation?

*Answer.* There is always a smell arises from drawing the Retorts; but there is no smell from coke.

*Question.* Would the extension of the Gas Works, have an injurious effect on the other estates in the neighborhood?

*Answer.* I think it would.—Very.

*Question.* What do you suppose would be the worst, in the enlargement of the buildings?

*Answer.* The effect of the coal tar would be increased, unless some new arrangement was made. The Hydraulic mains would have to be increased in magnitude, but the purifying house might be improved, as well as enlarged. I don't see how the evils resulting from the building of a new Retort house, could be prevented.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* As to the house on Sheafe street, which you spoke of, do you know as to what it cost when Mr. Conant purchased it?

*Answer.* I don't know when Mr. Chaddock purchased it, nor what it cost, nor what he sold it to Mr. Conant for. I understood that it brought \$5,100, and that Mr. Chaddock

bought it to live in, because his business was in that neighborhood.

*Question.* As to the sale of the second house you spoke of. Do you know any thing about it?

*Answer.* A Mr. Dyer, bought it. It was sold by order of an administrator—the administrator of the estate of Capt. Snow. It was a house on Sheafe street; I don't know what it cost. I understand that Mr. Dyer intends to occupy it.

*Question.* As to Mr. S. W. Robinson's house; is that nearer to the Gas Works, than your house?

*Answer.* It is between the Gas Works, and me. Robinson sold it to Mr. Colby.

*Question.* Do you know what it was sold for?

*Answer.* I don't know what it cost, nor what it brought. I only say, that he told me he thought, under the circumstances, it brought an extraordinary price.

*Question.* What do you know about Martin Bates's house?

*Answer.* I believe he sold it to the city in 1846; but I don't know what it cost, nor what he sold it for.

*Question.* Who did you buy your house of, and when?

*Answer.* I bought it thirteen years ago of Henry J. Oliver. I gave seventy-seven hundred dollars for it. He estimated it at ten thousand dollars, but I don't know what it cost him. He asked me eight thousand dollars, and I offered him seven thousand seven hundred, and he took me up. Having a large family I have made additions and improvements, and the estate now stands me in at a cost of over eleven thousand dollars.

*Question.* Are you not one of the petitioners for another Gas Company in Boston.

*Answer.* My name appears as an applicant, among others, for certain facilities for a Mutual Gas Company.

Adjourned to 11 A. M., to-morrow.

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September 16, 1852, 11½, A. M.

HENRY N. HOOPER recalled by Mr. Booth.

*Question.* Will you state what effect the Gas works have had on your house and that of your neighbors?

*Answer.* When the wind is West-North-Westerly, or in that quarter, the Gas works have always been very annoying to us.

*Question.* Have you a furnace in your house?

*Answer.* I have; and when the wind is in a certain direc-

tion, say West-North-West, we are obliged to shut off the cold air—to close the cold air box. We very often are obliged to close our registers in consequence of the smell which comes up through them. The same is the case with the next adjoining house, and the one opposite.

*Question.* Have you been obliged to do any thing—to paint your house, in consequence of the dust from the Gas works?

*Answer.* I have been induced, some years since, to have my house painted and sanded, because it was impossible to keep it in decent order. I had it painted brown.

*Question.* How is it with regard to drying clothes?

*Answer.* I have been obliged to put up two rooms to dry clothes in; as, when the wind is from the Gas works, there is great trouble about the smoke.

#### CROSS-EXAMINATION.

*By Mr. Clarke.* When did you build or put up those rooms you speak of, for drying clothes?

*Answer.* We appropriated some unfinished rooms in the attic for that purpose.

*Question.* Then you did not build them for that object?

*Answer.* The rooms were built when the house was built. One of them was unfinished, and we adapted it to that purpose about a year, or a year and a half after we went into the house.

*Question.* When did you make these rooms into drying rooms?

*Answer.* In 1840, or about that time.

*Question.* Do you use those rooms for any other purpose?

*Answer.* We use them for drying clothes, only.

*Question.* Do you always dry your clothes there, and never out of doors?

*Answer.* We always dry our clothes out of doors when we can.

*Question.* When the weather is fair, then, you dry your clothes outside?

*Answer.* Of course.

*Question.* Then you do not always use those rooms for drying?

*Answer.* We never use them for drying when the weather is suitable to dry clothes out of doors.

*Question.* Well, now, Mr. Hooper, about your furnace. You say you are sometimes obliged to shut off the cold air current when the wind is West-North-West. How does the mouth of that cold air box face?

*Answer.* The mouth faces about Easterly.

*Question.* Does it not open into a passage way?

*Answer.* It does.

*Question.* How does that passage way run?

*Answer.* It runs about North and South.

*Question.* How far is the mouth of your air box from the street?

*Answer.* It opens about thirty-five feet from the street.

*Question.* How does that passage way face?

*Answer.* The passage way faces about South-South-West to the street. The difficulty we have, is when the wind blows from the North-North-West.

*Question.* What is the annoying circumstance about your air box?

*Answer.* We perceive the odor from the Gas works. The effluvia of the gas.

*Question.* When was your cold air box opened.

*Answer.* In 1839.

*Question.* Have you always had a furnace in your house?

*Answer.* I have had a furnace all the time I have been there.

*Question.* When did you first perceive the odor you speak of?

*Answer.* We first perceived it when the air box was first opened.

*Question.* When did you last perceive it?

*Answer.* I think I have perceived it lately.

*Question.* Have you perceived it within the last six months?

*Answer.* I think I have.

*Question.* Why do you not always perceive it?

*Answer.* There is nothing to prevent our perceiving it when the wind is that way.

*Question.* Have you perceived it to-day?

*Answer.* We do not always perceive it. It depends upon what they are doing in the Gas house, in some measure.

*Question.* Are you often obliged to close your registers?

*Answer.* It is sometimes so strong—the odor is—that we are obliged to shut off the heat.

*Question.* How often?

*Answer.* Not always, but occasionally.

MR. DEHON for the Petitioners and Remonstrants, stated that they did not propose to offer any more evidence. All they could offer would be evidence to the same effect, and he considered that enough had already been offered to show that the Gas works were a nuisance to the neighborhood, and ought to be removed.

He would now put into the case the contracts made by the Gas Company for the purchase of land and buildings, showing that the Company had bought up the neighborhood in advance.

MR. C. P. CURTIS, one of the Directors of the Gas Company, said that, in order to oblige the Counsel on the other side, and according to promise made to him, he would put in those contracts, or copies of their conditions—but not conceding the right of the opposing Counsel to call for them.

MR. CURTIS then read as follows :

“ In consideration of one dollar paid me by Robert Marsh, Mason, I agree to sell and convey to him or his assigns, by warranty deed, two estates belonging to me, one being situated in Prince street and the other at the corner of Prince and Commercial streets, and both bounded on land of Sturgis, and running back to the wall of the Gas works, with all the appurtenances belonging to the two estates, for the sum of twenty-five thousand dollars.

It is understood that said estates contain about six thousand feet more or less, that they are to be sold free from all incumbrances—and that a perfect title is to be given; and to be delivered clear of tenants in twenty days from date.

SAM'L SANFORD,  
ROBERT MARSH.

Boston, May 27, 1852.”

These contracts were all closed since the Board of Mayor and Aldermen gave the right to go on with the improvements of the Company, and the erection by the Company of the proposed buildings.

There were two contracts with William Sparrell, dated August 19th, 1852, and which were paid and closed *after* the action of the Board and *after* the conversation already stated to have taken place between himself and Alderman Reed.

MR. CURTIS also read a note of Mr. Sparrell's, of August second, as corroborative, if any should be needed, of those statements—this note was dated three days after the action of the Board, and is as follows :

“ Boston, Aug. 2d, 1852.

“ Dear Sir,—

“ I called on Saturday and Friday both, to inform you that my prospect of doing any thing with Bradley is hopeless. His ultimate proposition was to take \$500, and to require O'Connell to give bonds to secure to his wife what he calls her part besides.

“ I have not said a word to O'Connell about it, lest it should further influence him and prevent his going on with his part of the negotiation.

Please inform Mr. Curtis that I am very anxious to close my transaction with them.

Yours, &c.,

WM. SPARRELL.

“P. S.—I have also called this morning.”

The next was a contract with Samuel Sanford, agreeing with Robert Marsh, who was employed by the Gas Company to go round and see what he could buy several estates for, without letting the owners know who he was purchasing for. This contract was made on the twenty-seventh of May, 1852, and by it, in twenty-seven days it was of no effect, unless completed. On the tenth of June, 1852, Mr. Sanford received five thousand dollars on account of this contract; but subsequent arrangements took place, and Mr. Curtis on behalf of the Company, notified Mr. Sanford after the Board had taken one adverse action, that the Company might not be bound to take the land, if the Mayor and Aldermen should revoke the permission they had given.

The Board of Mayor and Aldermen then, after consultation, postponed the further hearing of the case to the next regular meeting, on Monday next, Sept. 20th, at 3½ P. M.

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Monday, Sept. 20th, 1852, 4 P. M.

MR. CLARKE, for the Boston Gas Light Company, opened, in reply. He commenced with a statement of the proceedings already had, and said that they (the Company) would be glad to meet those gentlemen who were opposed to them, in any particular point of complaint rather than in all points—as all points were indefinite. He should be glad in the outset, and should be glad at any moment to answer them to any particular point. But their objection seemed to be to Gas in general. This particular case was,—that an application, or rather a petition, was filed before the Mayor and Aldermen for leave to extend the works at the North End. An examination was had into the matter by a competent Committee, who went over the works, and inquired into all the matters connected with the manufacture of gas, and the way those works were to be extended. The Committee reported favorably, and the Board took favorable action, by accepting the report. In this way the hearing was closed. This was *prima facie* evidence on which the Company could act—that the Board was satis-

fied. We have so acted. The petitioners or remonstrants have now brought in a reply to our application, which, by the courtesy of the Board, as we consider it, has been heard. They have sustained their reply by testimony which they consider important, and which the Board has heard. We now propose, and request leave to bring a little testimony in reply, rebutting what they have offered.

Our petition is for leave to extend our works, and not a proposition to erect new works.

Some misapprehension appears to exist, as to the purposes of the Company, and what are its intentions, and necessities. We shall have the same drainage that we now have—without any enlargement; we shall have the same chimneys; we shall have the same purifying and condensing preparations. We do intend to make some alterations in respect to what are called and what have been complained of as nuisances—we intend to remove our old coal tar shed on Commercial street, and to make an inoffensive tank to hold this coal tar under ground, in a corner of the yard. We propose to erect a handsome, and perhaps an ornamental wall on Prince street, and particularly ornamental when contrasted with the present old tenements occupied by the lower class of Irish. We propose to lay a tram road from our wharf to the yard, and thus save a large part of the annoyance which has been complained of—of carting coal through several of the streets in the neighborhood. This tram road is what the Company has long desired, and will not only save annoyance to the people on other streets, but save money to the Gas Company—therefore it is desirable and will be speedily completed, if the Mayor and Board of Aldermen do not prevent it. It will save the Company almost their entire cartage.

The only question for consideration, as we submit is, whether the Board will withdraw the liberty already given to us? We asked the sanction of this Board to our improvements and extension; an examination of our plan was gone into; and leave was granted to us to go on. All the light of the examination and investigation as to the Mason street Gas-house was then before the Committee and before the Board. Still leave was granted. Liberty was granted to the Company to go on with its proposed operations. Will this liberty now be revoked?

We contend that it cannot be, or at least it ought not to be, unless new evidence—evidence that could not be before introduced—evidence not before known and now most conclusive—shall be introduced; unless it can be shown that the Board, in granting its leave for us to proceed, acted under a great mistake—such a mistake as to make it almost, if not

quite imperative on the City Authorities to take new action and interfere anew.

The question is—have these petitioners, or remonstrants shown any such reason for a revision, by the Board, of its former action? Will any reasonable interference of this Board be the necessary result of the addition and extension of the works of the Company?

The attention of the Board has been drawn to two points by the petitioners, and with those only do we find it necessary to trouble ourselves in our defence. We were prepared to show that as to safety and health, the Gas works are not objectionable—but those matters, not having been touched by the other side, we shall leave them out of our investigation.

They have attempted, by their evidence to show two things.—1st. That the works are a nuisance by reason of the dust, smoke, and offensive odor which they create; and 2nd, that they injuriously affect the value of real estate in the neighborhood.

As to the first matter of complaint—that is a common one, to every occupation, almost. Many things are considered nuisances by some people who do not happen to like them, or who may be inconvenienced by them, when they are not in fact nuisances, either in the eye of the law or of common acceptance. The inconvenience to some people, of smoke and dust, under some circumstances, should not be, for a moment, weighed against the importance and convenience of gas to a large number, in fact to all the inhabitants of the city. Gas must be made somewhere, and it must be distributed; and the inconvenience of smoke and dust, as weighed, in importance, against the convenience of using gas to all others, should not be considered on the complaint of single individuals or of detailed special cases.

On this subject of nuisance the Report of 1832 goes over the whole ground, and all the evidence so far adduced in this case shows that, little as it was considered a nuisance then, it is still less so now. The whole arrangements of the Gas works are considered, even by the complainants in this case, better now than they were in 1832.

As to the complaint about the dust, soot and smoke—the evidence given in by these petitioners all relates to an early period, to a former time—to a time when the Company manufactured gas from rosin. At that time there was, undoubtedly, some lamp-black ejected from the works, but even in that case we are prepared to show that there has been much exaggeration of the trouble. There is, undoubtedly, some dust and smoke, and small particles flying in the air at all times, from

the very general use, by manufactories, dwellings, &c., of soft coal, but all this is by no means chargeable to us. We use soft coal, it is true, but we use it in our Retorts, and it is entirely protected from the outer air, is in close closets,—if I may so term them,—and cannot be much more annoying than the common use of Anthracite coal, even if so much. It has been already stated that coke, which we use for firing, emits neither smell nor smoke.

Then, again, there are, in the vicinity, two steam sawing mills, a large brimstone match factory, several blacksmith's shops, and a little further off a manufactory of iron safes. That there is dust and soot in the air is not, under these circumstances, astonishing. But it is not proved that all this dust and smoke comes from the Gas works, on the contrary it is apparent that they come from all these sources combined.

As to the offensive odor complained of, that is daily decreasing under the improvements which are continually made. Coal tar was at one time quite annoying, and so was the volatile oil, and the ammoniacal liquor. But now both of these articles have become articles of commerce, and while it has become an object, a great object to the Company to preserve them for sale rather than allow them to run to waste, it has of course become an object to preserve them from evaporation; and in so taking care of them, the Company has made arrangements which prevent these articles from becoming offensive to the public.

The Board will understand, that while the Company is making arrangements to increase its works it must make arrangements for the better preservation and protection of those hitherto offensive articles. Therefore, if there has, in former times, been any annoyance arising from their existence, it must be materially decreased by the extension and improvement of the works. The larger quantity that is made, and the more that quantity is an article of use and of commerce, the greater will naturally be the care taken of it.

We submit to the Board that the increase in convenience to the city itself, and to its inhabitants, by the improvements we propose to make, and which your Board has once solemnly authorised us to make, can be accomplished without any increase, to say the least, of annoyance, to the citizens, either as to smoke, soot, or dust.

As to the depreciation in Real Estate, in the neighborhood of the Gas works, we can show that there has been no depreciation as a whole,—a single house may have been sold for less than its value, under some particular circumstances, but we can also show that land has risen in value generally in that neighborhood since the Gas works have been established.

As to the alleged change in the character of the population, we can show, if it should be necessary, that the Irish did not first come into the neighborhood of the Gas works in consequence of the Gas works being there, but that they worked progressively from another part of the city—farther East. We confidently appeal to the members of this Board for evidence, that the Irish first came into that neighborhood from Ann street. And we ask why we should be charged with introducing them here, any more than we should be charged with introducing them to Fort Hill, Atkinson street, Federal street, Endicott street, Lowell street, or any other place? It is well known that the Irish have insinuated themselves wherever they first obtained a foot-hold. And when you see that Mr. Waterston's house on Fort Hill, and Mr. Brooks's house on the corner of Pearl and High streets are already occupied by Irish, you must surely attribute the cause to something else than the Gas works.

Then as to the damage to these remonstrants :

Out of the one hundred and sixty who come here, complaining against us, and asking our removal, we find on examination of the Assessors' books, that only eighteen were taxed in 1833 for real estate in Ward One—the ward, and the neighborhood where the Gas Works were then, and have ever since been situated. Of these eighteen who were taxed in 1833, eleven have either bought or built since the Gas Works were established, in 1832.

In 1840, only twenty-seven of these people owned real estate in that ward.

In 1846, only forty-seven owned real estate in that ward.

In 1850, only fifty were taxed in that ward, as owners of real estate.

In 1851, sixty-one of these remonstrants were taxed in Ward One. Ninety-nine of these petitioners were not owners of real estate in the immediate neighborhood in 1851, or were only tenants at will, or to leave when they pleased. And there were sixty-one owners of real estate in 1851, instead of eighteen in 1833. It appears, also, that eleven of the remonstrants who owned land in 1833, have increased their estates by buying additions, or building; so that but seven persons can complain, as owners or occupants, that they have been injured at all by the Gas Works.

We have, also, a statement from the Assessors' books, which shows the amount of taxation on the property on Snow Hill street, Prince street, Cleavland place, Sheafe street, Hull street, Margaret street, Salem street, Snelling Place, Marshall Place, Washburn Place, Charter street, North Hudson street, &c. In that range, the taxation of real estate in 1835, after the Gas

Works had been established, was \$ 322,500, and this does not include the taxation on the property of the Gas Works. In 1840, the property in that neighborhood was taxed \$ 439,600. In 1845, the same real estate was taxed \$ 478,100; and in 1851 it was taxed \$ 563,200. Showing an increase of assessments, and valuation of property, from 1833 to the present day, of at least, seventy-five per cent. The assessment on the Gas Works, not embraced in this statement, was about forty thousand dollars in 1835, and three hundred and five thousand dollars in 1851.

We have nothing more to say, Mr. Mayor, and gentlemen of the Board; but we feel bound, against our will, to introduce a few more witnesses.

Mr. CLARKE then called—

GEORGE HILLMAN. Lives at No. 139 Prince street—formerly No. 9.

*Question.* How long have you lived there?

*Answer.* For nine years. I lived in adjoining house a short time, and have lived in the next house but one. I have always lived, except for a short time that I was away from the city, for fifty-seven years, in the immediate neighborhood.

*Question.* Have you had any trouble as to your clothes, or your rain water?

*Answer.* We have never experienced any of late years. Originally, I did consider the Gas Works a nuisance; but I don't consider them any nuisance at all, now.

*Question.* Then your rain-water is perfectly good?

*Answer.* We find our rain-water clean, and always prefer it to the Cochituate.

*Question.* Where does your rain-water drain from?

*Answer.* It comes into the cistern from the top of the house and the wood-shed.

*Question.* Do you use the rain-water in preference to the Cochituate?

*Answer.* We have the Cochituate, but the water in the cistern is now full, and it is as clear as the Cochituate water.

*Question.* Have you ever experienced any trouble from the soot and dust from the Gas Works?

*Answer.* Not for the last ten years.

*Question.* How far is your house from the Gas Works?

*Answer.* About one hundred feet.

*Question.* Where do your family dry your clothes?

*Answer.* Always on the shed.

*Question.* And you never experience any difficulty as to the soot and dust?

*Answer.* No difficulty that I know of.

*Question.* Have you any offensive smells at your house, from the Gas Works?

*Answer.* We have had none of late years. We used formerly to have some.

*Question.* What do you burn in your own house?

*Answer.* I burn, myself, bituminous coal; and suffer as much from that, I suppose, as I do from any dust or smoke from the Gas Works, or from any of my other neighbors.

*Question.* Did you sign the petition to the Mayor and Aldermen?

*Answer.* I did not.

*Question.* Why not?

*Answer.* Because I did not consider the Gas Works as a nuisance to me or my family. I was told that as the Mayor and Aldermen would not let the Company have a Gasometer at the South End, they would remove these Works.

ALDERMAN OBER. Who said so?

*Answer.* [This was addressed particularly to the Alderman, next to whom the witness stood, and could not be heard by the reporter, or the counsel for the Gas Company.]

*Question.* Are there not other things in the neighborhood equally offensive as the Gas works?

*Answer.* There may be other things.

*Question.* Is there not a Distillery in the immediate neighborhood?

*Answer.* There is a distillery within forty or fifty rods.

*Question.* Who owns it?

*Answer.* I don't know. It was owned and I believe, occupied by Jacob Hall.

By Mr. BARTLETT. Who asked you to sign the present remonstrance, and gave as a reason that it should be sent in now, because of the refusal of the Board to allow the Company to erect its Gas house in Mason street?

*Answer.* Mr. Hinckley, the brass founder.

#### CROSS-EXAMINATION.

By Mr. Booth. In what direction are the Gas works from your house?

*Answer.* I should think, about North.

*Question.* Is your house on an elevated situation?

*Answer.* It is about ten feet higher than the proposed building.

*Question.* Are your garret windows higher than the ventilators?

*Answer.* I can't see over them from my garret windows.

*Question.* Are you interested, at all, in the Gas Company?

*Answer.* No, sir.

*Question.* Have you never sold them any property?

*Answer.* No, sir.

*Question.* Are none of your friends interested in the Company?

*Answer.* Not that I know of.

*Question.* You are not under any contract with them?

*Answer.* No.

*Question.* Have you never made any remarks about the Company?

*Answer.* I may have said that I had no objection to their increasing their works, in the course of casual conversation.

Dr. E. Buck. Lives at the corner of Sheafe and Salem streets.

*Question.* How far are you from the Gas works?

*Answer.* About two hundred yards.

*Question.* How much farther, or nearer are you, than Mr. Henry N. Hooper?

*Answer.* I should think that I am about fifty yards farther. I am about fifty yards from Mr. Hooper's house.

*Question.* How long have you lived there?

*Answer.* A little over four years—a little more than that time.

*Question.* Do you experience any nuisance from the Gas works?

*Answer.* No, sir.

*Question.* How do your family dry their clothes, after washing?

*Answer.* They always have exposed their clothes on the shed, except in stormy weather.

*Question.* How is your shed situated as to the Gas works? Is it protected at all?

*Answer.* My house is so situated that its back is towards the Gas works, and the shed is back of it.

*Question.* Does your family experience any inconvenience as to drying clothes, from the proximity of the Gas works?

*Answer.* I have asked my women-folks, since this controversy came up, and I learn from them, that they have never experienced any inconvenience at all.

*Question, by Mr. Booth.* Why did you ask your women-folks?

*Answer.* Because, I supposed I might be asked.

*Question.* Have you no odor, or smell?

*Answer.* No, sir.

*Question.* No crotch to annoy you?

*Answer.* No, sir.

*Question.* Were you applied to, to sign the remonstrance against the increase of the Gas works?

*Answer.* I was.

*Question.* By whom?

*Answer.* By Henry N. Hooper.

*Question.* Why did you not sign it? What reasons did you give?

*Answer.* I told him that I had no objections to the extension of the Gas works; that I had never been particularly annoyed by them, and that I knew of no reason why they should not be allowed to extend their works, if they wanted to do so.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Do you own your house?

*Answer.* I do.

*Question.* Do you own any other estate in that neighborhood?

*Answer.* I do not.

*Question.* What interest have you in this matter, if any?

*Answer.* I have none, except that of a consumer of Gas, and obliged to pay pretty heavy bills.

**WILLIAM HILLMAN.** Lives at No. 135 Prince street.

*Question.* How long have you lived in that neighborhood?

*Answer.* For sixty years, or nearly that time.

*Question.* How far are you from the Gas works?

*Answer.* About one hundred feet.

*Question.* Do you experience any inconvenience from the Gas works?

*Answer.* None at all. When they were first there, we had some difficulty, and nuisance; but within the last few years there has been no nuisance at all,—not a particle. To illustrate this, I tried an experiment, last Monday. I had my folks leave out some laces, because I wanted to see if they would be affected by the Gas works. I found that they were not; there was not a particle of dirt or dust on them.

*Question.* Was this always so?

*Answer.* No, sir. When the Gas house was first built, you could not go out of the house without being covered with soot and dirt. Now there is no difference, more than there is in a parlor. As to the effect on the linen bosoms, &c., there is not so much, as when I come up into town.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Do you own your house where you live?

*Answer.* I do not. I wish I did.

*Question.* What is your business?

*Answer.* I did follow the painting business; but I gave it up several years ago.

*Question.* Did you work for the Gas Company?

*Answer.* I did. In 1848 I did some painting for them; and about four years ago, I think it was, I set a few squares of glass for them.

*To Mr. Clarke.* The character of the population in the neighborhood, has changed very much.

*Question.* In what respect?

*Answer.* The Americans have moved away, and now most of the people are foreigners.

*Question.* What is the population on Prince street?

*Answer.* Mostly Irish.

*Question.* Are the Irish troublesome?

*Answer.* Very much so.

*Question.* Then, would the extension of the Gas works be a nuisance?

*Answer.* I think that instead of being a nuisance, it would be a benefit to the neighborhood if the Company would extend their works half way up the street.

ROBERT KEMP. Lives at No. 10 Sheafe street.

*By Mr. Clarke.* How long have you lived there?

*Answer.* On the second day of September it is two years.

*Question.* Do you own your house?

*Answer.* I do. I built it.

*Question.* How is it situated as respects Mr. Hooper's house?

*Answer.* I am in about the middle of the street. Mr. Hooper is about two-thirds as far from me as I am from the Gas works.

*Question.* Have you a furnace?

*Answer.* I have.

*Question.* You heard of Mr. Hooper's trouble about the smell, &c., from the Gas works, through his furnace. Have you any thing of the kind?

*Answer.* I have not.

*Question.* How is real estate affected by the Gas works?

*Answer.* I can't say.

*Question.* Who owns the next house to you?

*Answer.* My partner. It was built at the same time as mine. The three new houses beyond me, were built about the same time.

*Question.* Do you know what they rent for?

*Answer.* They rent for five hundred dollars a year.

*Question.* And they are all occupied?

*Answer.* I believe that one of them is vacant, now.

*Question.* How much do such houses cost ?

*Answer.* Our two houses (my partner's and mine,) cost fourteen thousand dollars, or about that, for the two, including the land.

*Question.* Do you have any trouble about keeping your windows open ?

*Answer.* We always do keep some of our windows open, summer and winter.

*Question.* Do you have any trouble about crock or soot, on your shed ?

*Answer.* I don't think I have heard any complaint of it.

*Question.* Have you never smelt any thing annoying, from the Gas works ?

*Answer.* Nothing to complain of. I never have experienced any annoyance, and never had complaint from my family.

*Question.* Did you sign the remonstrance of Mr. Hall ?

*Answer.* I did.

*Question.* Who asked you to sign it ?

*Answer.* I can't tell who it was. He asked me if I wanted any more nuisances at the North End, and I said, no: and then signed the remonstrance. But if I had thought a minute, what it was, I would not have signed it.

*Question.* Did you ever hear your partner complain of the nuisance ?

*Answer.* I never did.

There was No CROSS-EXAMINATION of this witness.

SOUTHWORTH TURNER. Lives in rear of No. 141 Prince street.

*By Mr. Clarke.* How long have you lived there ?

*Answer.* Three years, this month.

*Question.* How near are you to the Gas Works ?

*Answer.* The back of my house joins their works.

*Question.* Where did you live before you went there ?

*Answer.* I formerly lived at the corner of Salem and Prince streets, for about two years.

*Question.* How far was that from the Gas works ?

*Answer.* I don't know how far.

*Question.* Do you experience any annoyance from the Gas works ?

*Answer.* I don't consider them any nuisance.

*Question.* Did you sign the remonstrance of Mr. Hall ?

*Answer.* I did not.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Do you own your house ?

*Answer.* I do not.

*Question.* How is the house situated as to the Gas works; is it higher or lower?

*Answer.* It is lower than the Gas works. I can't tell how much my first story is lower than their building, but it is some lower.

*Question.* Are you, in any way, interested in the Gas works?

*Answer.* I am not.

EDWARD A. VOSE. Lives at No. 33 Charter street; and has lived there a little over three years.

*By Mr. Clarke.* How far are you from the Gas works?

*Answer.* I am just below Salem street.

*Question.* Have you experienced any annoyance from soot or smell, from the Gas works?

*Answer.* Not that I know of.

*Question.* Has your family complained, particularly about drying their clothes?

*Answer.* I never have heard any complaint of the kind.

*Question.* How are you situated in respect to Mr. Harris and the Gas works?

*Answer.* Mr. Harris is a little nearer,—in an opposite direction—a very little nearer, I think.

*Question.* How much nigher is Captain Smith?

*Answer.* Captain Smith is nigher, perhaps, by about a third.

*Question.* Did you sign the remonstrance?

*Answer.* I did.

*Question.* Why, if you did not consider the Gas works a nuisance?

*Answer.* I did it for the general good, and on general principles, that all such kind of factories should be out of the city. I signed it for the public good, and not from any difference with, or difficulty about the Gas works.

*Question.* Who asked you to sign it?

*Answer.* I can't tell.

There was NO CROSS-EXAMINATION of this witness.

THOMAS P. PULSIFER. Lives at No. 5 Hull street.

*By Mr. Clarke.* How long have you lived in that neighborhood?

*Answer.* I have lived where I do now, five years this month, and I have lived in the neighborhood eighteen years in October.

*Question.* How far are you from the Gas works?

*Answer.* About one hundred and fifty yards.

*Question.* Where have you lived, in that neighborhood?

*Answer.* In 1834, I lived at No. 6 Sheafe street.

*Question.* How is your shed for drying clothes, situated ?

*Answer.* It is in the rear of the house.

*Question.* How are you situated, as to the Gas works, and to Mr. Hooper ?

*Answer.* Mr. Hooper is some distance further than I was in 1834. I am just as nigh now as Mr. Hooper is.

*Question.* Have you experienced any difficulty or trouble from the Gas works, in drying your clothes ?

*Answer.* When I first moved there, in 1834, the folks sometimes complained, particularly when the wind was North and North-West, of soot and dust. Since I have lived where I do now, we have never experienced any difficulty whatever.

*Question.* Do not your family complain any, now ?

*Answer.* I never hear any complaints.

*Question.* Have you no dust, nor smoke, nor smell, to find fault with ?

*Answer.* Nothing from the Gas works.

*Question.* Do you own your house ?

*Answer.* I do not.

*Question.* Did you sign the remonstrance ?

*Answer.* I did not. I was applied to, to sign it, but I refused.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Do you own any real estate in the neighborhood ?

*Answer.* I do not.

*Question.* What is your occupation ?

*Answer.* I am a provision dealer.

DANIEL KIMBALL. Lives at No. 6 Sheafe street.

*By Mr. Clarke.* How long have you lived there ?

*Answer.* Seven years this September.

*Question.* Do you own your house ?

*Answer.* I do not. I have hired the same house during that whole period.

*Question.* How much nearer are you than Mr. Kemp ?

*Answer.* Mr. Kemp is about on the same range, and is a little nearer.

*Question.* How about Mr. Hooper ?

*Answer.* I am nearer than Mr. Hooper is ; I am about half way down the street, and on the same side of the street with him.

*Question.* Have you ever experienced any difficulty, and offensiveness from the Gas works ?

*Answer.* No. I have asked my folks about it, and find that they have no trouble.

*Question.* Don't you have either dust or smell to annoy you ?

*Answer.* Not that I know of.

*Question.* Do you dry your clothes out of doors ?

*Answer.* We have always used our shed for drying clothes.

*Question.* What is the difference between your house and Mr. Harris's ?

*Answer.* I am a great deal nearer than Mr. Harris.

*Question.* Do you keep your windows open, or shut ?

*Answer.* I have always slept with my windows open.

*Question.* And you have no difficulty in the night, from the Gas ?

*Answer.* None at all.

#### CROSS-EXAMINATION.

*By Mr. Booth.* How is your house situated in respect to Mr. Kemp's ?

*Answer.* It is in the same range,—about South.

*Question.* Do you own any real estate in the neighborhood ?

*Answer.* I do not.

*Question.* Do you take Gas ?

*Answer.* I do not.

THE MAYOR here suggested that he thought no further evidence on these points was necessary.

MR. CLARKE, agreed in the opinion, but remarked that he had several more witnesses present, who could testify to the same effect.

WILLIAM PARKMAN caught the eye of the MAYOR, and on being asked a few questions, testified that he agreed with the last three or four witnesses.

In answer to MR. BOOTH, he said that he lived nearer to the Gas works than Mr. Hooper did—that he never had experienced any difficulty from smoke or soot, and that he took the Cochituate water because it was in his house, but would not take it otherwise—his rain water was always fit for washing and was perfectly clear and clean.

MR. CLARKE then put in an abstract of the valuation of estates in Ward one, drawn from the Assessors' books of 1835, 1840, 1845 and 1851, (A) showing that real estate has not depreciated in that neighborhood, since the establishment of the Gas works. He proposed to verify them, by the oath of C. P. Curtis, Jr., Esq., if necessary, but the Counsel on the other side did not wish it.

MR. CLARKE then called—

WM. W. GREENOUGH. Am Agent of the Boston Gas Light Company.

*By Mr. Clarke.* Please explain the proposed alterations, and how the works as improved will compare with the old?

*Answer.* It is proposed to extend the present works by building new retort houses on Commercial and Prince streets. They are to be of brick with iron roofs and about 129 feet front on Commercial street and 133 feet front on Prince street. A new set of condensers will be necessary. The present drainage of the works will be sufficient. One of the chimneys now built will receive the flues of the new retort beds; but it may possibly be desirable to add to its height. Our present means of purification are sufficient for a largely increased manufacture of gas. The retort house on Commercial street will contain thirty beds of retorts. There will probably not be time this fall to build more than ten beds upon Prince street,—if expedient.

*Question.* What arrangements are to be made and what do you propose to do with your Coal Tar?

*Answer.* It will be discharged into a perfectly tight tank, and there retained until sold and removed. Coal Tar is now an article of commerce.

*Question.* Are there any other offensive products to be disposed of?

*Answer.* There are two other products offensive in their character, and both articles of sale. The Volatile oil and the Ammoniacal liquor. Such portion, however, of the Ammoniacal liquor as does not meet with a ready sale, and is not at once carried away in casks, is discharged through the drain into the dock of the wharf belonging to the Gas Company. The Volatile oil is formed only in comparatively small quantities.

*Question.* Do you propose to make any new arrangements to do away with the carting of coal through the streets, which some of the witnesses have complained of?

*Answer.* We intend to build a Tram Road for hand cars, across Commercial street, from the wharf where our coal is stored, directly to the new retort house; and, subsequently, to our other works immediately beyond that building, so as to do away with all street cartage in the course of another season.

#### CROSS-EXAMINED.

*By Mr. Booth.* How much more would you have to build if you should have to move to another place? Would it require much more than you have to build to increase these works where they are?

*Answer.* In addition to the works proposed now to be constructed, any removal of the retort beds to another place would require a new chimney, a new purifying house, new drainage and new station metres, beside arrangements for a stock of coal near at hand.

*Question.* What are your arrangements for the ventilation of the retort houses?

*Answer.* That point is not yet fully settled. The necessary ventilation may be had through openings near the ridge of the roof, similar to those in use now at the works, or by a number of ventilators of an approved construction.

*Question.* How high is the retort house to be?

*Answer.* The walls will be twenty feet high, and the roof will pitch nine to ten feet.

*Question.* Then your ventilation will not be higher than that?

*Answer.* If we build ventilators their tops will be from thirty-five to forty feet above the street. If we use openings under the ridge, they will be thirty to thirty-two feet from the ground.

*Question.* Where do you intend to keep your Coal Tar?

*Answer.* Coal Tar is disposed of from the different retort houses in different modes. The tank for the Coal Tar of the new houses will be under ground, in the corner formed by the building on Commercial street and the small retort house in the yard.

*Question.* Where shall you extinguish your Coke?

*Answer.* The coke for the present will be taken from the retorts and extinguished in the same corner, and then be carried away.

*By Alderman Ober.* How much gas do you make now daily?

*Answer.* Two hundred and fifty thousand cubic feet. The largest amount made in any one day during the present year will be 550,000 to 600,000 cubic feet, and the smallest about 150,000 cubic feet. We manufacture only the quantity wanted for daily use. In the winter more is wanted of course than in the summer.

*Question.* How much more do you expect to make when the works are increased?

*Answer.* If the works are increased according to the plans proposed for this autumn, we shall have facilities for making fully one-third more than we now can.

*By Mr. Booth.* How much room do the old retort houses occupy—that is in length?

*Answer.* The three old retort houses are detached buildings, with a different arrangement of retorts from that designed for the new works; but if extended in a straight line I should think they would be about two hundred feet in length.

*Question.* How many customers have you in Roxbury?

*Answer.* There are about sixty consumers in Roxbury. I can't tell exactly without reference to the books.

*Question.* Don't you intend to supply more than that number?

*Answer.* We have applications every day. But a year or two since the Directors voted not to lay any new mains in Roxbury.

*Question.* For what reason?

*Answer.* It was considered inexpedient.

*Question.* Do you not intend to supply other towns?

*Answer.* We have made no arrangements, nor do we desire to supply other towns.

*By Alderman Ober.* What is the amount of your dividends?

*Answer.* We divide ten per cent. per annum.

*By Mr. Booth.* Has there not been a main pipe laid down to Charlestown?

*Answer.* I have heard, that when the water pipes were laid down across the river, a main pipe was also laid for gas. But it has never been used by the Company, because the Directors did not think it judicious.

*By Alderman Ober.* What amount of money do you pay for paving each year?

*Answer.* I don't remember to have seen the last year's account. The contracts for the present year are not yet at an end, and therefore unsettled.

*To Mr. Bartlett.* I have only been connected with the Company since February last.

*By Mr. Booth.* What necessity was there for a gas house in Mason street?

*Answer.* The theory of the matter is this. We are obliged to make, in about twenty hours, and consequently to store, the amount of gas principally consumed in about four hours. Our present gasometer room is 360,000 cubic feet, consequently when the consumption exceeds that quantity, we are obliged to work as many additional retorts during four hours, as, with the others already in use, will manufacture the excess above 360,000 cubic feet needed, when consumption is going forward. If we had been allowed to build a gasometer of 450,000 cubic feet capacity in Mason street, and had laid the large mains in connection with it, we should have had on hand at the time when consumption commenced, the quantity necessary for the night's burning, and to have distributed it where wanted. In that case but a small addition to our old works would have been requisite,—probably ten additional beds of retorts would have carried us in safety through the coming winter. After the vote of the Aldermen excluding us from Mason street, it became necessary at once to proceed to the construction of retort houses large enough to manufacture the excess of the maximum wanted for the longest nights' supply, beyond the amount

that could be stored in the present gasholders, and to take measures at once to lay down large distributing mains leading from the works into the heart of the city.

*Question.* What is the cost of your large mains?

*Answer.* The eighteen inch mains laid down are estimated to cost about four dollars a running foot.

*By Alderman Ober.* Will the extension of the works at the North end be as objectionable as the erection of a gasholder in Mason street?

*Answer.* I have never considered that the gasholder in Mason street would have been objectionable; the more extended the works at the North end become, the more systematic and less objectionable they may be made.

*By Mr. Booth.* Will you furnish from the books of the Company a statement of the dividends which the Company has paid?

MR. BARTLETT here interposed and asked why this question was put, and what was the object proposed by the petitioners?

MR. BOOTH replied. Here is a new field opened for the manufacture and supply of gas, to be occupied by somebody. Who is to meet this supply? The demand can be supplied by works erected in other parts of the city as well as by the extension of these works at the North end. This Company has no claim to the right to make all the gas used in the city, and although they have undoubtedly, in the early stages of the business, expended a great deal of money, they have no claim on that account. We want to show that they have received from the public the full reward of their enterprise, and that they in no way stand as public benefactors. They ask the privilege of enlarging their works in this place—for it is a privilege; and we want to show that they are amply able to locate new works in a new place, and that they have been well paid for all they have done.

MR. BARTLETT said he had read the memorial of the Gas Company with considerable care, and he saw in it no pretension that they were public benefactors. He was very sure that the Company laid claim to no vested rights, and did not pretend to be public benefactors. They simply come here to ask leave to extend their works in the regular way of business, as any other Company might do.

MR. DEHON rose to reply, when he was stopped by

THE MAYOR, who thought the controversy useless.

ALDERMAN OBER said he wanted to know if the Company can afford to locate themselves where they can best accommodate the citizens of Boston. He thought the nuisance should be borne if it could be shown that it was necessary, but not otherwise.

ALDERMAN REED, differed from Alderman Ober as to the propriety of putting the question about dividends. The only question for the Board to try is,—whether those Gas works are a nuisance?

ALDERMAN OBER, said he could not see why we can't know the condition of this Company.

MR. BOOTH said, the Board is left entirely in the dark as to the intentions of this Company. He hoped the Board would consider and decide that this is an important question. The Board should know the real power of this Company.

MR. CLARKE stated that the question for the Board to decide was this:—Shall the Boston Gas Light Company go on and complete the arrangements they have made under the sanction and with the consent of the Mayor and Aldermen, to enlarge and improve their works at the North end. The Company have claimed no vested rights to the supply of the city with gas, and if any part of the city is unoccupied, the Company does not claim to occupy it to the exclusion of any body else.

ALDERMAN JAMES said it did not appear to him that the Board had any thing to do with the dividends made by the Company. That is not the question. They come before us for leave to extend their works, and if it is proper for us to grant them the privilege we must do so, without reference to their profits.

ALDERMAN OBER said he had another object in view. It costs the city forty thousand dollars a year for paving the streets, and he wanted to see if it would not do to make the Company pay a part of this sum.

ALDERMAN PERRY proposed to postpone the further hearing, in order to enable the Board to consult on this matter.

THE MAYOR thought if the Board had an opportunity to consult together it would make no difference on this point. We are not here to pry into the secrets or the business profits of the Company, and we have no right to do so. It is understood out of doors that the Company makes large dividends, and there is none of the stock for sale in the market. There is no doubt this is true, but if so, it is a matter with which the Board has nothing to do. He should think it was looking into another man's private affairs, to press the question about their past dividends.

MR. CLARKE then called

DR. A. A. HAYES, and requested him to state how long he has been acquainted with the Gas works, and if he understands the manufacture of gas.

*Answer.* I have been acquainted with the Gas works for the last seven years. I am acquainted with the details of the process by which they manufacture gas.

*Question.* You understand it scientifically, do you not?

*Answer.* I do.

*Question.* Do you know any thing about the manufacture of gas by the Company, from Rosin?

*Answer.* I was acquainted with the operations.

*Question.* What was the difference, and the difficulty in making that kind of gas?

*Answer.* The chief difficulty in the manufacture of Rosin gas is—that the Rosin is not and will not be wholly decomposed in one operation. Its products are larger in bulk than those of coal. The carbon is deposited in an impalpable powder, which covers the coke and escapes when it is handled. Such soot does not come from coal.

*Question.* Is any portion of coal liable to escape by any possibility?

*Answer.* No sir. In withdrawing the coke from the retorts a small portion of dust would naturally arise. But that never passes out of the works. It is dense, and can only be made during the operation of discharging.

*Question.* What is used for heating the retorts?

*Answer.* Coke. Anthracite coal at Rosin Gas works.

*Question.* Is there no dust from these?

*Answer.* There is no soot from coke and none from Anthracite coal.

*Question.* Are you acquainted with the proposed alterations in the works at the North end?

*Answer.* I am familiar with the plans, and have heard the works described, as they are proposed to be built.

*Question.* Will the proposed increase of the works, increase the dust, smoke, and smell, &c.?

*Answer.* The effect of the enlargement will be to diminish, to a great extent, the escape of what now exists of an offensive nature. This depends on the management, and engineering skill. Both the management and engineering of the Gas Company, at present, are superior to that of any Gas works I ever knew.

*Question.* If there was a necessity for making two or three hundred thousand feet more of Gas a day, it might be made, I suppose?

*Answer.* It could be, but it would be made better with the new arrangement, than with the old.

*Question.* Why?

*Answer.* Because, after the enlargement, the works will be more complete, and extensive.

*Question.* Are the present purifying works large enough?

*Answer.* No larger are needed for the proposed enlargement of the works.

*Question.* What would be the difference in the facility of manufacturing, between this old establishment and one in a new location?

*Answer.* The difficulties attending new works, at the outset, are very great. The difference in facilities would be largely in favor of the old.

*Question.* Would there be any difficulty as to the location?

*Answer.* The present location is the best that could be had, taking into consideration the form of the city and the plan adopted for distribution.

*Question.* Would the drainage be much affected by the proposed enlargement?

*Answer.* It would not necessarily be much increased.

*Question.* Does it affect, in any way, the common sewers of the city?

*Answer.* The drain from the Gas works is not connected with the drainage of the city.

*Question.* Will the new retorts increase any difficulty as to offensive nuisance?

*Answer.* On the contrary. The arrangements made, if carried out, will greatly diminish any trouble that may now be supposed to exist; and tend to obviate some nuisances. The method of extinguishing the burning coke, after it is brought into the yard, is to be by the use of perforated pipes, instead of by dashing water upon it as heretofore. Another part of the improvement embraces the removal of the dirty part of the works to the Company's wharf.

*Question.* Is the dust flying in the air, principally from coke?

*Answer.* I have not been able to distinguish any dust or soot from the Gas works. I have examined the streets, the sidewalks, and also the tomb-stones on Copps Hill, but I cannot trace any thing which comes from the Gas works. The principal dust I have seen comes from carting coal. The Gas works are not a centre from which smoke and dust proceeds.

*Question.* How are the Gas works, for annoyance to people in their neighborhood, as compared with other manufactories?

*Answer.* As compared with founderies, and machine shops, they are far less objectionable, on account of noise, and dense smoke. As compared with planing mills, match factories, and other factories of that kind, they are less objectionable in respect to smoke, cinders, and danger to the neighborhood from fire.

*Question.* As to the annoyance of dust and smoke?

*Answer.* I suppose they are as free on the inside from any trouble of that kind, as any works can be where coal is largely used. I have frequently been in the habit of leaving my

instruments for several days, exposed in the works, without having them soiled. I don't know of any large establishment where coal is used, which is so free from smoke and dust, as this.

*Question.* Can the Company afford to furnish the Gas cheaper, if they enlarge their works?

*Answer.* The making of Gas in large quantities is attended with greater economy than in small quantities.

*By Alderman Ober.* Is it possible to detect the smell from the manufacture of Gas?

*Answer.* Yes.

*By Alderman Ober.* What does it proceed from?

*Answer.* From the light oil produced.

*Question.* Can Gas be stored without offence?

*Answer.* Gas can be, in a Gasometer. If the Company were to be allowed to put up one on the principle they wish, I believe they would be perfectly successful in storing Gas without giving any offence.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Have you been engaged by the Gas Company?

*Answer.* I have been consulted since April last, nearly all the time, in respect to the improvements, many of which have been adopted.

*Question.* Would not the offensive products of the Gas works be less in a small establishment, than in a large one?

*Answer.* I think not.

*Question.* Why?

*Answer.* Because in a small establishment such things as are offensive are generally wasted. In a large one more care would be taken in respect to cleanliness; more care would be taken in respect to the washing—in reference to fitting the joints of different parts of the machinery, &c.

*Question.* How long must the Retorts generally be open, to charge and discharge them?

*Answer.* They may be open from seven to ten minutes—ten minutes large. It is not necessary to keep them open so long, except on special occasions.

*Question.* How are these Retorts charged and re-charged?

*Answer.* The first operation is to burn the Gas contained in the retort by starting the door and lighting the gas; after the flame ceases, the door is removed and the coke taken out. The next step is, to put in fresh coal, which is done with a scoop previously filled, and finally the door is closed.

*Question.* While that operation is going on, will not a great deal of smoke and flame escape?

*Answer.* It is rarely that any flame comes out, or much if any smoke. The vapor of water from the coal, escapes as it comes in contact with the Retort.

*Question.* Is it customary to close the door immediately?

*Answer.* It is customary at these Gas works to close the door the instant the coal has become dry.

*Question.* Do not many deleterious substances escape during the act of charging?

*Answer.* None in the act of charging. The most that can be seen as the effect of emptying and charging is, occasionally, dust from the coke, and a watery vapor; neither of which, of course, can rise out of the building.

*Question.* Is there no Gas arising from the coke?

*Answer.* I never knew of any after the coal was decomposed.

*Question.* And no smoke?

*Answer.* None.

*Question.* How often are you in the yard of the Gas works?

*Answer.* Three or four times per week.

*Question.* When were you there last?

*Answer.* I have not been there for a week.

*Question.* Did you ever spend a day there, or a day in the Retort house?

*Answer.* Not a whole day.

*Question.* Is not the yard generally full of Gas and smoke?

*Answer.* By no means, so far as my observation at different hours of day and night goes.

THE MAYOR, here suggested that further examination of witnesses to this point was unnecessary; that the Board was as well qualified to judge, as to every thing except scientific matters, as any witnesses that might hereafter be produced. He proposed that the investigation should stop here, for the present, in order to give the Board an opportunity to confer together on the subject.

ALDERMAN PERRY said he was in favor of allowing the investigation to go on. He was willing to hear more, and he thought the Board was getting valuable information out of the different witnesses.

Some debate was here had between Messrs. BARTLETT and DEHON, as to who had the right to the closing argument.

Mr. BARTLETT stated his points to be these,—and he left it to the Mayor and Aldermen to decide, without any argument:—

The city, said he, has already given to the Boston Gas Light Company, leave to extend and improve its works, at the North End, after proper application by the agent of the Com-

pany, and due consideration by a sub committee, and solemn vote of the whole Board—or it has not.

This is the first question.—

If the Board has given such leave, it has “assigned” a place for this, which the counsel on the other side call an “offensive trade,” and, therefore, the Board cannot now revoke that leave, nor interfere with us in our business. Acting on the belief, and the assurance that such leave had been granted, we have made arrangements for the extension of our works, have bought real estate, and have expended a great deal of money. Will it now, under these circumstances, be proper and just for the city to interfere, unless it can be shown that we are a nuisance—and that is not a question for the Mayor and Aldermen, after they have granted us leave to go on,—but for the Courts of law,—*there is no argument to be made.*

If the Board of Mayor and Aldermen take the position that they have not given leave—contrary to their own recorded acts—we are petitioners here for leave to extend and improve our works, and as such, most certainly and most clearly have the right, as plaintiffs, to the closing argument.

MR. DEHON contended that the petitioners, or remonstrants, whichever they may be called, came before the Board for redress. They were, in his opinion, plaintiffs in the case, and as such, had a right to the closing argument.

The Mayor did not decide the question, and the Board took no action, voting to adjourn until tomorrow at eleven o'clock. Adjourned.

TUESDAY, SEPTEMBER 21, 1852.

Present the whole Board.

DR. A. A. HAYES *recalled*, and cross-examined.

*By Mr. Booth.* Which is most offensive, a Gasometer or a Retort House?

*Answer.* That depends very much on the construction of each.

*Question.* Suppose the construction was equally good?

*Answer.* I consider that a Gasometer is entirely unobjectionable, if constructed according to the present knowledge and experience in relation to such buildings. A Retort house, owing to the fact of the work being continued night and day, is more objectionable.

*Question.* Is there not some considerable noise about a Retort house?

*Answer.* There are necessarily more noises, from shoveling and other operations, about a Retort house than about a Gas-holder where no work is done.

*Question.* Do you know what is to be done with the coke?

*Answer.* I know only that the intention is to enlarge the yard so that they can have a new arrangement as to the carting and storing coke. Instead of emptying it down into the yard, and throwing water on to the coke, they now propose a new and better application of the water. It is now proposed to so arrange matters that they can quench the burning coke by the injection of water from below, thus, in fact, quenching the fire by steam; and, at any rate, preventing all dust and smoke. They will introduce the water and vapor from below.

*Question.* Is there not some flame and smoke from coke?

*Answer.* There is no flame and smoke, generally. It is a dry substance, with all the gas burnt out of it.

*Question.* Would not more vapor arise from extinguishing it by steam from below than from the present mode?

*Answer.* Very much less. The quantity rising would be very small.

*Question.* Have you tested this by actual experiment?

*Answer.* In one sense I should answer that it had not been so tested. But my answer before was based on previous knowledge. This new arrangement, that is proposed, is only a new application of an old principle.

*Question.* In quenching coal is not Anthracite very offensive?

*Answer.* That depends upon how you quench it.

*Question.* Is there not some smell from coke?

*Answer.* There is no odor from coke whatever.

*Question.* The walls when completed will they be on a level with the coke?

*Answer.* They will be higher.

*Question.* Will they be higher than the buildings?

*Answer.* No sir.

*Question.* Will not more vapor rise above the walls, and among the neighborhood?

*Answer.* No sir.

*Question.* Why not?

*Answer.* Because not so much water will be used.

*Question.* Is a large establishment of this kind less offensive than a small one?

*Answer.* Generally.

*Question.* Why so?

*Answer.* In matters of workmanship they are the same in both. But in a large establishment they usually take more care, in consequence of the work proceeding on a systematic plan. There is more attention given to saving all the products in a large, than in a small one. There is more attention given to saving in a large establishment. If a large establishment is neglected there is more offence of course, but in a large

one there is more likely to be greater care taken, in saving the products, as they become articles of sale when produced largely.

*Question.* Can you name some small works that you are acquainted with?

*Answer.* There is a small one at Lawrence; another at Springfield. There is also a small one at Lowell. But I should state that with reference to this last, the building of the Gasholder was taken from the hands of the Engineer, before it was completed, and finished by some one else, and consequently the erection is not so perfect as it should be.

*Question.* Where will the Coal Tar be carried to from the new Retort house?

*Answer.* On to the wharf, probably. I believe that no arrangements have yet been made in reference to this matter, as a daily removal by sale is expected.

*Question.* Where is it carried first from the Hydraulic mains?

*Answer.* Into a cess-pool, or tank, not open to the air.

*Question.* Is not Coal Tar very offensive?

*Answer.* Coal Tar in itself is extremely offensive. But it can be transported without any offence whatever.

*To Mr. Bartlett.* An increase of manufacture can be had without any increase of inconvenience to the public or the neighborhood, whatever, if the present plans are allowed to be carried out. I know of no objection whatever to their being carried out.

EDWARD BELL. Lives at 96 Prince street, near the corner of Thacher street.

*Question.* How long have you lived there?

*Answer.* About three years.

*Question.* Do you own any land near the Gas works?

*Answer.* I do.

*Question.* What is your occupation?

*Answer.* I am a paver.

*Question.* When did you buy your land near the Gas works?

*Answer.* I bought about fifteen years ago.

*Question.* Do you buy and sell, or do you know any thing about the buying and selling of land in that neighborhood?

*Answer.* I bought on the North corner of Hull street for \$3300 and sold, I think, for \$3500. I bought the other corner, with the house on it, for \$3750 and sold it for more than I gave; I bought it in 1837 and sold it in 1847.

*Question.* How much did you sell it for?

*Answer.* I sold it for forty-one hundred dollars.

*Question.* Have you bought any other estates?

*Answer.* I bought on North Hudson street, about ten years ago, at seventy cents a foot, and I sold it about a year or eighteen months after at ninety-five cents a foot.

*Question.* Do you know of any other sales and purchases of real estate in that neighborhood?

*Answer.* I know of one by Mr. Hall, which stood him in at about eighty cents, and he sold it at a dollar and a half to a dollar and seventy-five cents.

*Question.* How do you know this?

*Answer.* The man who bought it told me what he bought it for.

*Question.* How long ago was this?

*Answer.* About two years ago.

*Question.* What Mr. Hall was it?

*Answer.* Jacob Hall.

*Question.* Did he buy it on speculation?

*Answer.* He was one of the associates who bought the property in that neighborhood, and it was set off to him, about ten or twelve years ago.

*Question.* Was this before the Gas works were established?

*Answer.* It was long after.

*Question.* Do you know of any other estates which have risen in value in that neighborhood?

*Answer.* Mr. Sparrell, I understand, holds his at one dollar and seventy-five cents a foot. I went to buy it in March or April last, and could not get it.

#### CROSS-EXAMINATION.

*By Mr. Booth.* Are you employed by the Gas Company?

*Answer.* I am not. I have not been employed by them for seven or eight years.

*Question.* Do you know any thing about the Sparrell estate—who has bought it?

*Answer.* I understand that it has been sold to the Gas Company.

*Question.* Did you know that the Gas Company wanted it when you tried to buy it?

*Answer.* I did not know it then.

*Question.* How long have you lived in that neighborhood?

*Answer.* About twenty years. I moved away once and then moved back again.

*Question.* Did you move in consequence of the Gas works?

*Answer.* I did not.

*Question.* How far is your house from the Gas works?

*Answer.* My estate is about one hundred feet from the Gas works.

*Question.* Has it been built on since you owned it?

*Answer.* It has. The land was vacant when it was assigned to me and to Mr. Hall. We were partners in the speculation, and this was set off to me. It has been built on since.

MR. CLARKE stated that this witness was fully competent to state as to the difficulty and nuisances, if there were any, arising from the Gas works. But he thought it unnecessary to question him on the subject.

NATHANIEL HILL. Is a Housewright and lives at No. 27 Leverett street. His shop is in Endicott street.

*Question by Mr. Clarke.* How long have you been in the business?

*Answer.* I served my time at it, and have been engaged in it for the last thirty-five years.

*Question.* Have you ever resided in the neighborhood of the Gas works?

*Answer.* I have resided in their neighborhood for thirteen years.

*Question.* Have you known the value of property in that neighborhood?

*Answer.* I have for a longer time than that—for thirty years at least. I have bought and sold houses and land. I commenced the business thirty years ago, in a bargain with Samuel Brown. I built the stores on what is called Brown's wharf.

*Question.* Have you built any thing else there?

*Answer.* I built on the opposite side of the street. I built four houses in one block, one of them for myself. I bought the land of Brown. I built three on Snow Hill street for Mr. Brown. I built the one which Mr. Bell sold on Hull street. I built some in Cross street.

*Question.* Have you had much experience as to the value of land in that neighborhood?

*Answer.* I have constantly had occasion to buy and sell land there.

*Question:* Has real estate risen or fallen since the Gas works were erected?

*Answer.* In my judgment land is higher in Prince street and in Sheafe street, and all round that neighborhood. It is higher in Sheafe street than it was ten years ago, and much higher than it was when the Gas works were established. Ten to fifteen years ago land was selling at from one dollar to one dollar and a quarter, and some at one dollar and a half a foot. The same land you can't buy now for less than two dollars and a half to two dollars and seventy-five cents.

*Question.* Have there not been some improvements in property in that neighborhood?

*Answer.* Five or six new houses have been built in Sheafe street in the last five or six years. I owned a house opposite the Gas works, on Commercial street, which I built with others; it cost me \$3100, and I sold it to Mr. Bell for \$3570; it was sold at auction, two months ago, for, I think, \$4900.

*Question.* Who sold it?

*Answer.* It was sold by the man who owned it—Mr. Dooris—I think Mr. Dooris bought of Bell.

*Question.* Is there any other property in the neighborhood, rising in value?

*Answer.* Mr. Vernon, of Newport, who owns several adjoining houses, will not sell, I understand, for less than five thousand dollars.

*Question.* Is there not a match factory and a saw mill in that neighborhood?

*Answer.* There is.

*Question.* Are they not quite as annoying to the neighbors as the Gas works?

*Answer.* There was a large amount of cinders from the chimney of the match factory, and a tenant told me he would not live there in consequence.

*Question.* How long have you been in that neighborhood?

*Answer.* About twenty-four years this summer.

*Question.* Is there no annoyance, or danger, to that neighborhood, from Mr. Hooper's foundry?

*Answer.* I should think that the danger and annoyance—the danger of fire—was great. The annoyance from his chimneys is a great deal greater than from the Gas works. I should prefer to live in the Gas yard than in the range of his chimneys.

#### CROSS-EXAMINATION.

*By Mr. Booth.* How far are Mr. Hooper's works from the Gas works?

*Answer.* About a quarter of a mile—I think not quite so much.

*Question.* How many houses have you bought and sold?

*Answer.* I don't know. I bought the estate of John Heard, eighteen years ago. I gave a large price for it. It was running from Sheafe street to the Gas works.

*Question.* How much did you pay for it—did you pay as much as it is worth now?

*Answer.* I think I gave two and three-pence a foot for it. It fronted on a passage-way leading from Sheafe street.

*Question.* Well, what did you sell for?

*Answer.* I sold it for the same that I gave for it. I bought it for another man, not for myself, and I could have taken a thousand dollars for my bargain if I had waited for a few days, and had been willing to break my word.

*Question.* Are you employed by the Gas Company?

*Answer.* I am, in building.

*Question.* Have you a contract with them?

*Answer.* I have not.

*Question.* Have you ever negotiated any land for them?

*Answer.* I have not.

*Question.* Do you know of their buying in Prince street within a year?

*Answer.* I didn't know of it till after they bought.

*Question.* How long has the match factory been there?

*Answer.* Seven or eight years. I don't know whether they make matches there now or not. I believe it is used to saw mahogany, by steam power.

*Question.* Does it stand higher than the Gas works?

*Answer.* It is on lower ground, on the same side of the street.

*To Mr. Bartlett.* I had nothing do with purchasing the estate in Prince street for the Gas works.

ROBERT MARSH. *Question.* Have you had occasion to inquire as to the value of real estate in the neighborhood? Please state what you know about it.

*Answer.* At the request of the Agent of the Gas Company I went round to inquire what several estates could be bought for.

*Question.* Did people you inquired of know your object?

*Answer.* They did not know what or who I was asking for. I tried not to have it known. I saw a number of persons on the subject, and applied to them for their prices and got them. In some cases they would not sell.

*Question.* Did you purchase any estates in Prince street?

*Answer.* I did. I bought several in Prince street.

*Question.* Where is the Maxwell estate, and how is it situated?

*Answer.* It is about two hundred feet from the corner of Prince and Commercial streets, in Prince street.

*Question.* How far is it from the Gas works?

*Answer.* About one hundred feet. It backs up to it on one corner and runs down to the street.

*Question.* What was asked for it?

*Answer.* Twelve thousand dollars. The person who had the care of it said that he could sell it for that or twelve thousand and five hundred.

*Question.* You did not buy it for that, did you?

*Answer.* No sir. I was ready to buy at that price and said so. But we found that it was saddled with a mortgage on top of a mortgage, and there was some difficulty which made the title not good without selling at auction. It was sold at auction and brought about sixteen thousand five hundred dollars.

*Question.* When was this?

*Answer.* In April or first of May last.

*Question.* Any other estate you negotiated for?

*Answer.* I talked with Gustavus Andrews. He said his lowest price was three thousand dollars for a small two story house. But I got him down to twenty-six hundred. He said it paid him a good per cent. He has another estate on Snow Hill street, for which I think I got him to come down to twenty-five hundred for. On William H. Learned's house, No. 12 Snow Hill street, the lowest price I could get was five thousand dollars. This was since February. I think it was last March.

*Question.* Did people like the neighborhood, or complain of the Gas works?

*Answer.* They generally said that they liked to live there; and that the Gas works were not so bad as the foreign population. Mrs. Hillman, who lived there, said that she would not sell at any price. I could not see the old lady, but I negotiated with the daughter, who told me her mother could not be induced to leave the place. I proposed to buy her another house up in town, for whatever price she would agree to sell for, but she said she would not leave.

*Question.* What did you buy the Sanford and the Sturgis estates for?

*Answer.* Sanford's was twenty-five thousand dollars, and Sturgis's five or six thousand.

#### CROSS-EXAMINATION.

*By Mr. Booth.* When did you negotiate for Sparrell's estate?

*Answer.* In April. I closed the bargain in May.

*Question.* What was the price?

*Answer.* I offered ten and six-pence a foot for it. But he wanted ten thousand dollars in a round sum, and I finally agreed to take it at that price.

*Question.* How long have you been engaged by the Gas Company?

*Answer.* I was retained by them in February.

*Question.* What is your general occupation?

*Answer.* I am a mason by trade.

*Question.* What directions and powers did you have from the Gas Company?

*Answer.* The Agent asked me to see what I could buy for in the neighborhood. And then I had directions to contract. My powers were enlarged from time to time.

*Question.* Do you own any real estate in the neighborhood?

*Answer.* I do not.

*To Mr. Bartlett.* I made no written contract with Sparrell.

FRANKLIN DARRACOTT. Am a Civil Engineer. I am now employed by the Gas Company, and have been once before, for a short time.

*By Mr. Clarke.* How long have you known them?

*Answer.* I have been familiar with their works for fifteen years.

*Question.* Have you been employed in erecting Gas works in other places?

*Answer.* I have erected Gas works in various cities, and acted as consulting Engineer for the Richmond works. I am now engaged in erecting works at South Boston, Cambridge, &c.

*Question.* Do you know about the proposed extension of the works in Boston?

*Answer.* I am familiar with and advised them.

*Question.* Will the proposed extension increase any supposed or possible annoyance or nuisance?

*Answer.* I can't see that it will, except by increasing the margin of territory occupied by the works. If bounded by six estates now, by seven or more when extended.

*Question.* Will it increase the dust, scent, or noise, or dirt?

*Answer.* I should think it might, to a slight extent.

*Question.* Suppose two or three hundred thousand feet more of Gas should be manufactured than they make now, can it be manufactured with less, or more of these inconveniences, in the old works, or in new ones?

*Answer.* I should think that it could be done with much less in the old works, than in new ones.

*Question.* Can it be made cheaper in the old works enlarged, than in new works?

*Answer.* Yes, sir.—And for many reasons.

*Question.* In this case, will it be necessary to increase the drainage?

*Answer.* There will be no necessity for increasing it.

## CROSS-EXAMINATION.

*By Mr. Booth.* Do you consider the manufacture of Gas offensive in any particular?

*Answer.* In some cases, and to some extent it is offensive.

*Question.* What is the most offensive?

*Answer.* While the contents of the retorts are being drawn from the retorts there is a greater amount of odor escaping, than at any other time.

*Question.* Is there not some escape of flame, &c., when the retorts are charged?

*Answer.* Sometimes.

*Question.* In the retort house, is there not a greater odor from the greater number of retorts.

*Answer.* I should suppose so.

*Question.* Would it be less if the new retort house were higher up on the hill?

*Answer.* I can see no difference as to whether it is higher or lower down.

*Question.* Are the Ventilators of the new building as high as the old?

*Answer.* They are not so high.

*Question.* Then, why will they not increase the nuisance?

*Answer.* I should think that the tendency of the Gases from the new building would be to unite with those from the old, and to ascend with them, rather than separately.

*Question.* Have you ever known any Gas works that were not, to some extent, offensive?

*Answer.* No, sir.

Mr. CLARKE then said :—We rest our case here.

Mr. BOOTH, said, we propose to put in some figures copied from the Assessors' books, as follows :—

The whole taxable property of the city,				
in 1835 was	-	-	-	\$ 23,776,400
in 1850 it was	-	-	-	105,930,400
being an increase of 446 per cent.				
All the Real Estate in Ward 3,				
in 1835, was	-	-	-	\$ 745,600
in 1850 it was	-	-	-	4,728,600
being an increase of 634 per cent.				
In Ward 5, in 1835 it was	-	-	-	\$ 1,130,000
in 1850,	-	-	-	5,377,900
being an increase of 476 per cent.				
In Ward 1, in 1835 it was	-	-	-	\$ 1,022,100
in 1850,	-	-	-	4,113,300
being an increase of only 400 per cent.				

The property in the vicinity of the Gas works, as stated by them yesterday, was,

in 1835,	-	-	-	-	-	\$ 322,500
in 1850,	-	-	-	-	-	563,200

being an increase of about 75 per cent.

The property of the Gas Company was,

in 1835, valued at	-	-	-	-	\$ 40,000
and it is now,	-	-	-	-	305,000

which is an increase in assessment of all the Real Estate in Ward One.

Some question here arose as to which party should have the right to the closing argument. After some consultation among members of the Board, it was, on motion of Alderman Rich, *Voted*—That the Remonstrants have the right to close.

Adjourned to

Thursday next, at 4 P. M.

THURSDAY SEPT. 23, 1852.

Present, the whole Board.

Mr. BARTLETT, for the Gas Company, said it was no part of his intention to make a set speech;—he was admonished by the length to which this investigation had already extended, to be short in what remarks he had to offer, and they should be very few. It is a case which requires little or no argument from counsel, as it is one which the Board will probably settle according to its views of the weight of evidence which has been presented. Still, he would offer a few practical ideas, which he would state briefly, and succinctly.

By authority of an act of the legislature, the Boston Gas Light Company was authorized to establish, within the city of Boston, the manufacture of Gas for the use of the citizens who might be disposed to purchase it. Its limits were confined to the city—its powers were within the city—its operations were within the city. The Charter contains all the proper provisions for such a business; and provided certain safeguards for the public, such as giving the city authorities power to regulate the doings of the Company, to a certain extent. But this power to regulate, is not a power to annul; in the exercise of the power of the Board of Mayor and Aldermen, the Board has no right to destroy, nor to remove the Company out of the city. The power to regulate the opening of the streets, and to exercise other functions regarding the health

and safety of the inhabitants, is a salutary one, and one to which we bow with deference, and respect. It remains, now, for me to state the history of the case, as it stands.

In 1829 the Company first commenced its operations, on a small scale, compared with what it is doing now. It erected a structure at the North End, in the course of a couple of years, and began to furnish Gas to its customers. Then, in 1832, complaint and remonstrance was made against the company, which led to a careful investigation, and examination; the result of which was, that the Company was authorized by the city authorities to go on with its business. The investigation so clearly proved the harmlessness of the Company's business, that the Board of Mayor and Aldermen, deliberately, and carefully sanctioned its doings. There was a still stronger license given to the Company;—from year to year, for the last twenty years, the Company has had the implied sanction of the Board in various acts of purchasing and using the Gas, and regulating, without interfering with, the taking up of the streets, &c. On the faith of this sanction, expressed, and implied, the Company has gone on increasing its expenditures, as its usefulness to the public, and its own consequent necessities required, until they have invested the sum of three hundred and five thousand dollars on their works. And now, at the end of thirty years, the Company comes here and asks leave to add sufficient new buildings to put up a few more benches for the making of Gas. On this application, the Board again acted; two different committees had the subject under consideration, and both reported favorably. The Board accepted the reports, and placed on record a vote by which the leave asked for, was granted. On the faith of that vote the Company acted, and purchased additional property, and prepared to build.

And now Mr. Jacob Hall and others come here and ask you to interfere and revoke your decision, and remove us from our location to some other. Is the City prepared to take the consequences of such a step as that? In all fairness, if not in a legal view, if the City remove us, it is bound to pay the penalty of such an act.

If this was a new subject—if the City was now applied to, for the first time,—we submit that the present location is one fitly chosen. Let us look at it.—It is a place adapted by nature for the very purpose. It is peculiarly adapted to the pursuit of the Mechanic Arts, and the neighborhood is occupied, to a great extent, with establishments of the kind. It is near to the ocean, giving facilities for many operations that could not so conveniently be attended to at a distance. It is situated in the vicinity, not of valuable private dwellings, but of a

great trade, which is extending all over the North End. It is so placed as to allow of drainage direct to the sea without interfering with the common, or private sewers, of other persons. It has a burying ground on one side, and wharves and docks on the other, neither of which can be the subject of any sort of annoyance from the works. Then, again, there are various considerations connected with the works themselves, which I need not now recapitulate, that make it a desirable location. Dr. Hayes, who has examined the whole neighborhood, and who is well acquainted with the plans for drainage, and for distributing the Gas to the different parts of the city, says that it is evidently the best position that could be selected. We really believe that the City would authorize its establishment in this spot, if leave were now asked for it for the first time.

But suppose this not to be true, and that the City would not allow us to establish ourselves there if we were now first applying for leave,—the works are established; and after the solemn sanction of the Board, direct and indirect, at several times, and all the time for twenty years and more, it has no right to remove us without indemnifying us for the loss and damage such an act will occasion.

Our second point is—that having been established and sanctioned by the city authorities and with all the powers granted by the law for twenty years and more, any body who now comes and asks to interfere with us must show a change in our condition,—must show a different state of things from those that have heretofore existed. He who would ask the Board to strike out of existence this manufactory and incur the obligation on the city to indemnify us for the loss, must show an altered state of things. If what was established had turned out to be an arrant nuisance, the case would be one proper for adjudication; but whoever makes complaint, and asks for action on it, is bound to show that things have altered,—that the nuisance exists. Has the evidence which has been given here shown any such altered position of affairs since the Board acted upon it in 1832—except, perhaps, as all the witnesses who knew the works so long ago testify, that they are less objectionable than they were then.

Now let us examine and see what was the state of the Gas works in 1832 when the investigation was had, and leave given by the Mayor and Aldermen for their continuance in their location. The following is an extract from the Report of the sub-committee to the Board, dated November 12, 1832; and signed by Aldermen Henry Farnum, John Binney, and Jabez Ellis; twenty-four witnesses from ward One had been examined by them, and the committee say:—

"There were some small shades of difference in their testimony, but they agreed generally, that said Gas works were a great nuisance and inconvenience to the inhabitants in the vicinity. That they were exceedingly annoyed by soot, smoke and stench from said Works, and those that live quite near them were almost suffocated by an effluvia, that penetrated by night and day to their bed chambers and all parts of their dwellings, leaving on their furniture and clothing a noisome, skunk-like smell, particularly when the wind blew directly from the works towards them, at the same time, that the air was so light as to permit the smoke and soot to settle upon the ground.

"Some of them have been awakened at midnight almost suffocated by this noxious stench. They agreed generally, that their clothes after being washed and hung out to dry, were blackened by the soot and smoke from said works, and would sometimes require two or three washings to get out the stains. Their rain water, likewise was injured and rendered unfit for use by soot and smoke, and some of their back yards were covered and the ground saturated with a filthy substance, called coal tar.

"There was some difference in their opinions relative to the frequency of said annoyance; some thought it was as often as once a week, others not so often; some thought they were not so frequent as they were last year, and others that they were more so. They differed too in their views on the amount of damage to real estate; some thought it was from twenty-five to thirty-five per cent., some twenty to thirty per cent., and others from ten to twenty, but all agreed that the value was much reduced by said Gas works."

Now, after all this the Committee sum up the arguments pro and con, and after all the evidence, they say :—

"The Committee, therefore, under all the circumstances of this important case, after carefully examining the notes of witnesses, and considering all the documents, believe that those who live very near said works are occasionally annoyed and subject to inconvenience, and no doubt to some depreciation in the value of their real estate, still, when the whole City is included, these Gas works are a convenience to the inhabitants."

Such was the condition of affairs, and such the conclusion at which the Board arrived in 1832, when the sanction of the City was given to the location of the Gas manufactory at the North End—where it now is. And on that sanction the Company has gone on and invested, first, forty thousand dollars, and by a gradual increase under continued sanction, three hundred and five thousand dollars.

We have had some extraordinary evidence here, and the manner of getting it up has been extraordinary—uncommon, to say the least; but whatever it has shown, taking it in the worst possible light, it shows that the condition of the Gas works now, in respect to that of 1832, when this Report was made, is as rose water—the complaints now, compared with those then, are as gentle as the voice of doves: all the testimony goes to show that the state of things is better instead of worse. And on our side, too, it seems that there is a remarkable concurrence of testimony to the same effect. We have shown that there has been a change in the material used, in the mode and character of the manufacture, which is an improvement. Weigh it all—weigh the testimony well, and you will see that it is greatly in favor of the present condition of things.

Suppose twelve good witnesses have come here and told us that their shirt bosoms have been soiled by smoke and dust, that is not in the complaint, and is no ground for depriving us of our property or putting us to the expense and inconvenience of removal. But the question is as to the pecuniary difference which exists now, what was before the Gas works were established, and what would be if they were removed. And this is a topic which is no lawful ingredient in the powers you exercise under the law and the charter of the Company. And then, again, the boundaries of the Wards have been changed twice during the time the works have been where they now are; and what the gentlemen claim as the valuation of Ward One in 1835 and 1850, is not a criterion to go by: the valuation of the Ward in different years is not on the same property.

The theory of these remonstrants, too, will lead to very different results from those which they claim. They say that the Gas works injure their property. They show by figures,—such as they are—that they have only *not* met with quite so great an increase of valuation on their real estate as if it had been in some other Ward; while according to their theory, they ought to be entirely and irretrievably ruined,—not merely injured.

Now let us see who are these remonstrants, that make this appeal to your sense of justice. Of the one hundred and sixty, only eighteen were taxed in Ward One in 1833, and of these eighteen, eleven have either bought or built houses since the Gas works were established! Sixty-one, only, were taxed for real estate in 1851, fifty in 1850, forty-seven in 1846, twenty-seven in 1840. Washburn Place, Marshall Place, Snelling Place, and North Hudson street, have all been built since 1833, and Jacob Hall, the principal remonstrant, has bought and built since 1835! Instead of these people suffering

any injury from the Gas works, it appears from the evidence that the works have improved from year to year since they bought their property, and there is no doubt that this movement of theirs is a speculation;—they purchased with a full knowledge of all the facts which they have here attempted to prove; and they want to drive us away that they may take advantage of the removal.

We come again to our position, which is:—

First. That if you were to begin anew with us, we have just reason to suppose that the Gas works would be placed just where they are now.

Second. That the faith of the City is pledged that we shall not be molested, having been placed where we are and having been sanctioned, for more then twenty years, in remaining where we are.

Now, either the manufacture of Gas is a nuisance or it is not. If it is not, no more is to be said. If it is, there are two results to be attained—to drive us away, and locate us somewhere else. The result of their application is, that they ask you, rather then let us remain where we are that you should send a nuisance to some other neighborhood. Here the condition of things is accomodated to circumstances. Is not the testimony clear that by allowing the Gas Company to augment its works, there will be less difficulty and annoyance to its neighbors than if you drive them elsewhere? The Company will use every thing as before. There will be no sensible augmentation to people out of doors, except in the extent of buildings of bricks and mortar, which in themselves are not nuisances. If you drive the Company elsewhere, the society in the neighborhood of the new location will have to go through all the trouble and difficulty of getting accustomed to it, while the society now is well accommodated to it, where it is.

I have one other point to urge, and that is, the fact that since the nineteenth of August, the Board has granted us the right to build and increase our works; we have acted on the faith of that leave, and it is too late now for the City to interfere.

I say nothing about indemnity for any such interference—that was suggested, Mr. Mayor, by the gentleman on your right, (Alderman Ober).

Mr. DEHON, for the Remonstrants, did not think it would be questioned that this Board has absolute and continuous power, by law and by the Charter of the Company, over this whole matter. A manufactory, when it starts, may be perfectly innocent, and yet in one month it may become a nuisance. I start, said he, with the theory that Gas manufactories and Gasholders are more or less obnoxious in this country and in

Europe. Some people can't tell what is a nuisance. Some people are differently constituted from others, and some have not the organ of smell as strongly developed. He alluded to the testimony of Dr. Hayes to this point, as of no account, for the Doctor has had his nose over a laboratory all his life;—he enjoys bad smells better than good ones, and a good wholesome smell would probably be offensive, at any rate would appear strange to him. Besides, the Doctor bases his testimony in a great degree on the whole plan of the improvement being carried out; of which we have no assurance. He (Mr. Dehon,) would ask when is this plan to be carried out, now, or ten years hence? Look at his testimony. If there is Gas enough, he says, there will be no smoke at all, and the more coal you burn the less smoke and dust there will be,—for that is what his evidence amounts to. The more you examine his testimony the more absurd it is. What he says is not practically true; it may be theoretically true. He is a theorist, and therefore, not a good witness in the case at all.

Mr. Darracott, on the other hand, is a practical man; and he tells you that there was never a Gas manufactory in this country or in Europe, that was not more or less a nuisance.

Now as to the effect of the Gas works on the value of property. The books of the assessors show that in Wards Three and Five, taking the years from 1830 to 1851 inclusive, the increase was in one 634 per cent., and the other 476 per cent.; while in Ward One, where the Gas works are situated, the increase has only been 400 per cent. They show that in the immediate vicinity of the Gas works the property has only increased 75 per cent. Therefore, it is clearly proved that the Gas works have influenced materially the value and price of real estate.

The proposed extension is virtually the establishment of new works on Prince street, and ought not to be allowed. If the question were a new one entirely, and you were asked to sanction the location, not a soul of you in the Board but would say, No, to the application. You would drive the manufactory to the utmost limits of your power—to the very outskirts of the city.

Mr. Dehon contended that the enlargement was equivalent to new and original works, and he inquired,—Who asks for this enlargement? Is it the consumers? Where are they? They do not come here. What demand is there for this extension? We have heard nothing of it—nothing of the kind has been offered here in evidence. The application is solely and entirely for the benefit of the Company, and this project was started within thirty days after it was settled that the Gasometer should not be located in Mason street. Everybody read

the Report of the Committee, and heard the decision of this Board on that subject, with pleasure. You then established the fact that a Gasometer is a nuisance, and you will observe that Mr. Darracott, Mr. Warren, and even Dr. Hayes himself, all testify that a manufactory of Gas is infinitely worse than a Gasholder. He (Mr. Dehon,) did not believe that the Board would be willing to revoke its decision in that case, and therefore it could not properly grant leave for this proposed extension.

If such a necessity exists for building more retorts, that want can be supplied by the Company going elsewhere. I wanted (said he,) to know what dividends the Company had made, and my object was to show that it was able to go somewhere else—that they were so well off that it would be no hardship to make them move their works. The company started with a capital of \$75,000, and it now has a capital of \$750,000: its stock is above par,—is selling at \$625,00 which is almost twenty-five per cent. advance, and they are amply able to go elsewhere.

As respects this Board, there is no reason why the members should not change their minds and revoke an order, even in one week after it has been passed, if there is good reason shown for it, as we contend there has been in this case. Such action would not be liable to be called caprice; on the contrary, caprice would rather be the retaining of the old opinion after evidence of the wrong being shown.

Mr. Dehon said he would acknowledge that the weight of the testimony went to show that the Gas works were less of a nuisance now, than they were in 1832, as stated in the Report at that time made to the Board; but the circumstances were very different. The question is not now as it was then,—Gas or no Gas; if it was, he should go with the Committee of that day, probably, and sanction the establishment.

After a short comment on the evidence of Mr. Marsh as to the purchase of the Sanford, and the Sparrell estates, Mr. Dehon said that it was the duty of the Board to restrict the Company to the present size and present capacity of its works, and to give more privileges only when the people demand them—not when the Company want them. He was not certain that it was not now the time and now the hour for the Board to decide the question whether the whole works should not be removed entirely from the inhabited parts of the City; and as for any claim for indemnity, that would be found in the sale of the vacated property, and the largely increased value of the real estate of the Company. If it were not, the City is amply able to pay all the damages, and should pay it rather than to increase or allow of the establishment of any more nuisance in

this place. I do believe that if the question should be put to the people at the next election, the vote would be a thousand to one in favor of a removal.

Adjourned to Monday, Sept. 27th.

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MONDAY, SEPT. 27, 1852.

*Present*, the whole Board.

Mr. ALDERMAN SLEEPER offered the following:—

*Resolved*.—That after a hearing of both parties in the matter of the remonstrance of Jacob Hall and others, against the extension of the Gas works at the corner of Commercial and Prince streets, in the opinion of the Board no further action is required.

ALDERMAN OBER objected to the passage of this Resolution, as he was not prepared to say he would give his consent to the extension of these works. He would ask if this action would be consistent with the vote in respect to the Mason street case. He thought that everybody considered the manufacturing much more objectionable than the storing of Gas. The Report on the Mason street case, gave great and general satisfaction; and the objections to the works at the North End were to a greater extent than to those in Mason street. The people in this section of the city (North End,) would undergo the same annoyance, and even more than those in Mason street. He did not see why this case differed from the Mason street case. He did not see why the Company should be allowed to extend their works one third. He thought they ought to be obliged to remove, and the sale of their land would indemnify them for all losses. He should like to hear some reason given for this Resolution. It appeared to him that the Board should be consistent, and that the vote now, should agree with the former one. He hardly thought this matter would come up to-day, and did not know of it until he came into this Hall. He read an extract from the Report on the Mason street Gasometer, and asked why the whole reasoning did not apply as well to the North End works as to the Mason street works. He supposed that when the whole subject was taken up, the Board would locate the works in some place at a distance: there are many places less objectionable than this. He thought the Board would sum up the case and give some reason for its decision. After the Mason street case, it was due to the inhabitants of this quarter of the city, that they should be considered. He would like to hear other members on this question.

ALDERMAN PERRY said he was not prepared to give his vote in regard to this resolution now, and he moved that it be laid on the table.

The question was taken and declared carried ; but the vote was doubted, and after a few words from ALDERMAN OBER against laying it on the table, the question was again put, and decided in the negative. *Three* in the affirmative and *four* in the negative.

The question recurring on passing the resolution.—

ALDERMAN SLEEPER said he thought it ought to be understood that in adopting the report on the subject of the Mason street Gasometer, the Board did not intend to persecute the Gas Company. As to that case there was but one class of testimony, which was unqualifiedly against the Company ; as to this case it was different, and the testimony was as much in its favor as against it. For twenty years the works of the Company have been known to the City Government, and it had had the sanction of the Board in going on from year to year. To his mind there had nothing been introduced in the hearing, to induce the Board to change its action on the subject. If the authority of the Board should be exerted to break up the works at the North End and oblige the Company to establish them elsewhere, he should look upon it as persecution.

ALDERMAN REED said that he was one of the Committee on the Mason street house, and he had heard the whole testimony on both sides and in both cases, and he could see no reason why the resolution should not be passed. The works were certainly less objectionable than they were twenty years ago, and had been growing less objectionable all that time.

ALDERMAN PERRY did not wish to be understood as in favor of persecuting the Company. He had expected something different from this resolution, and he was somewhat disappointed.

The vote was then taken and the resolution was adopted. Aldermen Allen, Ober and Perry, voting against it.

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## GASOMETER ON SOUTH WHARF.

IN BOARD OF MAYOR AND ALDERMEN, MONDAY, SEPT. 27, 1852.

After the above case had been disposed of, ALDERMAN OBER called up the notice of intention to build by the Boston Gas Light Company on South Wharf, and moved the passage of the following :—

*Voted*—That no further action is required thereon, and that said location be assigned to the Boston Gas Light Company for the erection of their proposed Gasometer.

ALDERMAN JAMES hoped the vote would pass.

ALDERMAN REED thought it was a very proper location, as there was no other building near, that could be injuriously affected by it in any way.

ALDERMAN SLEEPER said no member of the Board knows exactly where this new building is to be located, and there has been so much trouble as to the Gas Company, so many remonstrances, &c., he thought it better that the members should this time act understandingly. He moved to lay the subject on the table until the next meeting, and in the mean time the Superintendent of the Gas Company would, he was informed, be ready to wait on any gentleman of the Board to the spot and explain it to them.

ALDERMAN OBER said he believed that the location was sufficiently well known. It was a spot surrounded by forges, blacksmiths' shops, &c., and the City was fortunate, it appeared to him, in having this place selected for the Gasometer, as there could be no objection to it if placed on the South Wharf. He denied that he or any one of the Board had any desire to persecute the Gas Company, but he thought that the tax payers should have liberty to remonstrate against any action that was likely to injure their property. This case was one that could not injure any other estate, and he thought that the Company would be more injured by putting off the decision from day to day, than any thing else.

ALDERMAN CARY said he was well acquainted with the proposed location and thought it a very desirable one. He could conceive of no objection to it, and should recommend it for the purpose, in preference to all others.

ALDERMAN SLEEPER said he did not intend to throw any obstacle in the way of settling the question at once, but at the same time he wanted that any action had upon it should be understandingly and final. Remonstrances would probably be brought in, as they had been in former cases, but if the Board was satisfied to determine the question now so that it should not be opened again, he was satisfied, and should withdraw his motion.

ALDERMAN OBER said it was due to this Company that the Board should decide at this time; further delay would bring in remonstrances, probably, and one had already been sent in this afternoon.

The Board then unanimously adopted the Vote, and the South Wharf was thereby assigned to the Boston Gas Light Company for the purpose of erecting and maintaining a Gasometer.

## THE SOUTH END GASOMETER.

IN BOARD OF MAYOR AND ALDERMEN, BOSTON, SEPT. 27, 1852.

The hour assigned for hearing the parties in the case of the Gasometer at the South End, on the Remonstrance of Thomas J. Lobdell and others,

THE MAYOR read the Remonstrance. (See page 3.)

MR. CLARKE, for the Company, stated that when delay was first asked for in this case, it was with a view of so far completing the works, as to enable the Company to show the members of the Board, by personal inspection, the nature of the improvements. They had been diligently occupied in all this intermediate time in their operations, but they had been somewhat interrupted by the weather and other causes beyond their control. They confidently hoped, and they still hope to be able to show that the building is to be unexceptionable in its character. As many persons are now employed upon it as can work to advantage, and he respectfully asked for a further delay of another fortnight.

MR. BRIGHAM, for the Remonstrants, had no doubt the Company had worked diligently, as they said, ever since this petition was filed. He supposed they would continue to do so, and endeavor to finish soon, it was quite an object for them to do so—they had good and sufficient reasons for it. But who could tell that it would not be a nuisance when it was completed and filled with Gas? It was shown by the Report on the Mason street case, that no Gasometer was ever built that was not a nuisance. The danger of explosion will still exist, and other difficulties will exist after the building is completed, as well as now. He thought it would be mere boy's play to allow them to go on and finish their work. The ground we take is, that they cannot make a building that will be perfectly unobjectionable and free from the nuisance and danger complained of. We objected, said he, to their proceedings, before they had expended a dollar in repairs, and gave notice to this Board of our objections; therefore, I object now, most strenuously, to any further postponement of this case. I don't propose to introduce any further evidence, relying upon the testimony already before the Board in reference to the Mason Street Gasometer and the works at the North End. I intend to submit it as it is.

MR. BARTLETT said that the fact of the Gasometer at the South End being objectionable was first brought to the notice of the Company at the hearing of the Mason Street case, and as stated on page 20 of the Report of the Committee, they had pledged themselves to remedy the evils existing. It is not

correct that we waited until notice was given by the Remonstrants. We proceeded immediately to fulfill our pledge, in good faith. Why should we not be allowed to go on and complete our work as we promised?

MR. BRIGHAM still objected. Why did not the Board grant delay in the Mason Street case. The South End has suffered enough already. He alluded to Mr. Blake's testimony in that case, as showing that no Gasometer had ever been known from which some offensive odor did not escape. And in all the improvements which the Company is making in this South End house, he understood there was to be no provision for a drain. As for the ventilation, the plan proposed would, in his opinion, add to the danger of explosion, as it would be the means of letting in so much more atmospheric air. Mr. Brigham concluded by reading an extract from a work by an English writer, in favor of his position—that there was great danger of explosion.

ALDERMAN REED said the Gasometer has been there for years, and the buildings in the neighborhood have been put there since the house was built. The object of the Company is to remove the objections to it that now exist. Delay was granted to them for that purpose, and they have not been able to complete their works. The same reasons for delay exist now, that existed in the first instance, and it was very proper to grant the request. He moved that the further hearing of the case be postponed for a fortnight, and his motion was agreed to.

Adjourned.

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IN BOARD OF MAYOR AND ALDERMEN, MONDAY, OCT. 11, 1852.

ALDERMAN OBER moved that the further hearing of the case of the Boston Gas Light Company, on the Remonstrance of Thomas J. Lobdell and others, be further postponed for two weeks.

MR. BRIGHAM, for the Remonstrants, objected, and said his objections were the same as before stated. What he said two weeks ago was applicable now. In fact four weeks ago he had stated the objections to allowing the Company to go on.

ALDERMAN PERRY proposed to amend the motion by fixing the hearing at one week instead of two.

ALDERMAN OBER accepted the amendment. The only thing that induced him to move a postponement was the lateness of the hour, (it was near six o'clock, P. M.) and because it would be so late before they could adjourn, if they commenced on the case to-day.

MR. BRIGHAM said he should be willing to stay as long as any one would hear him.

ALDERMAN OBER said he was not.

The vote being taken, was decided in the affirmative. So the further hearing was postponed to next Monday.

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IN BOARD OF MAYOR AND ALDERMEN, MONDAY, OCT. 11, 1852.

A remonstrance from the South Cove Corporation against the location of the Gasometer of the Boston Gas Light Company was received and referred to the Committee on Internal Health.

An order from the Common Council, authorizing the Committee on Public Lands to make sale of any of the new land East of Harrison Avenue to the new Gas Company, upon such terms and conditions, and such manner of payment as they may deem expedient; provided the location be approved by the Committee on Internal Health, and that nothing contained herein shall be construed in violation of the 9th and 10th Sections of the Ordinance on Finance: was received and read.

ALDERMAN CARY moved that the Board non-concur, and to strike out all of the order relating to the 9th and 10th Sections of the Ordinance on Finance.

ALDERMAN REED was opposed to the whole order. The Board ought to proceed to the alteration of ordinances very cautiously; and the true policy of the City Government was to keep entirely disentangled from the affairs of both the Gas Companies. He said there were several other reasons, too, for delaying action in this matter. The new Company spoken of does not in reality exist. He understood that no company had yet been organized—the necessary amount of stock is not yet taken,—and no one is authorized to contract with the City. It will be time enough to act, when the Board has some one to act with.

He moved to lay the whole subject on the table; and his motion was agreed to.

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IN BOARD OF MAYOR AND ALDERMEN, BOSTON, OCT. 18, 1852.

The Committee on Internal Health reported that no further action was necessary on the Remonstrance of the South Cove Corporation, against the location of the Gasometer of the Boston Gas Light Company, on Sea street. And the Report was accepted.

## THE SOUTH END GASOMETER.

IN BOARD OF MAYOR AND ALDERMEN, BOSTON, OCT. 18, 1852.

Mr. BRIGHAM said he did not intend to introduce any further testimony in this case, than the Board already has before it.

Mr. CLARKE said, it was not his purpose to take up the time of the Board with either evidence or argument. The evidence concerning the Gasometer at the South End, which was given in the hearing of the Mason street case, was for the first time, then detailed, and brought to the notice of the Company. The agent and the directors had at that time pledged themselves to remedy the evils complained of, to the best of their ability; and at the earliest possible moment. They have accordingly used such means, and made such repairs, alterations, and improvements as lead them to believe will remove all difficulty. And no other Remonstrance or evidence, will now, as we understand from Mr. Brigham, be brought in. He presumed that many members of the Board had seen the building as it now is; and he was authorized to say that the members would be waited upon, or they could visit it as they should see fit, at any time. He thought that the Board could better see what has been done than they could learn from any explanation. The house is now ready, and the Directors of the Company think they have remedied all the difficulties. They are ready to exhibit it, and if it is in any respect deficient, they are willing to do any thing that may be necessary to make it perfect.

As to the location, he presumed that it would not be denied that nearly all the Remonstrants, particularly the first on the list—Mr. Lobdell, had gathered in the neighborhood since the Gasometer was built, and while it was, as they say, in an imperfect state. They have gathered there, mostly, with a knowledge of all the imperfections, and all the evils they now complain of. Mr. Lobdell, by his own evidence at the Mason street examination, has bought and built there since the Gasometer was put up and used. Under these circumstances they, at least, have no right to complain; and having put our building in complete and satisfactory condition, we submit that this case should be closed, and that we ought not be put to further expense or inconvenience in the matter.

Mr. BRIGHAM said that it was rather strange that the Company should take such a position and not furnish any evidence of the harmlessness of their work,—saying, only, that they have done what they can to remedy evils complained of. The petitioners ask to have the nuisance abated because it is injurious to health, produces inconveniences, and is injurious to the value of their property. And when the Company is called on

for its defence, we are told that we have purchased since the Gasometer was built. What does that amount to? Why, we purchased on a warranty deed, and from the City of Boston, and the City is bound to remedy the nuisance by removing it. The Gasometer is in the same category as a Slaughter house; and its proprietors have no right to create a nuisance. They have no right to say—because they bought their land fifteen years ago, that they have a right to continue a nuisance. If Mr. Lobdell bought his property of the City, and finds that a nuisance has been created in his neighborhood, and is continued from day to day, he has an equitable claim upon the City of Boston to have it abated. The City may have allowed the erection of this building, and may have suffered it to remain there for a while with perfect propriety. So it might suffer a Slaughter house to remain;—but not forever. When the place and the neighborhood becomes settled, it must be removed farther off. It is an absurdity to say that a Slaughter house, or a Gasometer may stay forever, under all the circumstances of a change of population and an increase of population. A Gasometer has no rights, and a Gas Company has no rights that prevent the City exercising jurisdiction over it whenever it is proper to do so.

The Report of the Committee of 1832, is a sufficient argument on this matter. Its acceptance was a solemn adjudication by this Board, of the question at issue. This Report settles the right of the Board to remove the Gasometer if it sees fit. The Report settled the question as to the Gas works at the North End. It is now a settled principle that the Board may remove the works, or any part of them; and if convinced that the Gasometer is a nuisance, or annoying to its neighborhood, it is the duty of the Board to exercise the right and the power of removal. It is not proper that you should remain inactive. Who is to judge when it is proper for the Board to act? Why, the Mayor and Aldermen, themselves, certainly. Why, if the Gasometer produces injurious effects—if it injures the health, the property, or the convenience of the people, it must be removed. The right must be exercised according to the altered nature of things. The time has come, owing to the filling up of the neighborhood, &c., that this power must be exercised. In Europe, no such building is allowed in a thickly settled population.

Mr. BRIGHAM argued that one cause why people removed from the city instead of stopping on the neck, was that the City Authorities would not exercise this power; and that the decision in the Mason street case gave the petitioners some new hope that their condition would be now considered. The principles of the Report in that case would do more, if carried

out, for the benefit of that part of the city, than had been done for twenty years. The principles laid down in that Report, are the principles that he and the petitioners lay down now.—They are identically the same. The Company had the same right to build a Gasometer on Mason street that it has to continue one on Washington street—the principle is the same, and if the Board had the right to prevent the erection of the one, it has the right to remove the other. It has been said that the difference in the two cases was, that one is established and the other not yet built. This he considered no argument at all—a fallacy. On Washington street, the tendency is to build dwelling houses, while on West street and the neighborhood of Mason street, the tendency is to build stores;—so that a Gasometer would be likely to be less objectionable in a few years, at the latter, than the former locality.

It had been admitted by the Company that the Gasometer was a frail structure, and when this petition was first filed, the building might have been removed at very little expense; but now the case was altered, but that was no fault of the petitioners, and they should not be the sufferers by the Board allowing the Company to go on and make repairs, &c.

MR. BRIGHAM next examined the evidence given in the Report, respecting effluvia escaping from a Gas-house, and contended that as the Board had concluded that a Gasometer in Mason street, of the most perfect construction, should not be built because it would be offensive, an old building on Washington street, devoted to a similar purpose, ought not to be allowed to remain, even if it were well repaired. There would be no consistency in the Board if they did not judge the two cases and decide alike in each.

MR. BRIGHAM then said that the Gasometer at the South End has been made a little more offensive than it was before, because the Company have put on a high ventilator, and carried out their principle of making the place as bad as they could.

He alluded to the remark reported as testified to the Committee by Mr. Blake, that a perfect structure could not be made—one perfectly free from some smell, and argued that what was injurious to the nostrils was injurious to the health.

He argued that it was not only the duty, but the strong interest of the City, to have this Gasometer removed, in consequence of its large amount of public lands now in the market for sale, and which must be affected in price, by its remaining where it is, so near the head of Washington street, the finest avenue in Boston, if not in all New England.

He said that it was no more necessary that the Gasometer should remain where it is than that a steam saw-mill should

be continued in a populous neighborhood ; and alluded incidentally to the loss of the Franklin school house, a few years ago, in consequence of a fire which caught in a steam saw-mill.

MR. BRIGHAM concluded by asking the Board to carry out the stand it has taken in the Mason street case, and said he and the petitioners did not come here to injure the Gas Company, but they did not intend to let this matter rest until they obtained the relief they sought.

MR. BRIGHAM having finished,

MR. CLARKE read and put into the case the following certificate from DR. GEORGE HAYWARD, endorsed by DRS. WARREN and SHATTUCK :—

“ This may certify, that in the year 1832, I signed, as one of the Consulting Physicians of the City, a Report to the Mayor and Aldermen, on the influence which a Gasholder would be likely to have on the health of the inhabitants in its neighborhood, and the danger to be apprehended from the explosion of the gas.

“ In twenty years' subsequent experience I have learnt nothing in relation to the subject that would lead me to change the opinion I then entertained ; but on the contrary, much has come to my knowledge to confirm the correctness of the views taken at that time by the Board of Consulting Physicians.

GEORGE HAYWARD.

Boston, Sept. 13th, 1852.”

“ I entirely agree to the opinions expressed in the foregoing paper.

J. C. WARREN.”

“ In this opinion I concur.

GEO. C. SHATTUCK.”

THE MAYOR then said, The examination being concluded, the Board will take the subject into consideration and give a decision hereafter.

Adjourned.

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IN BOARD OF MAYOR AND ALDERMEN, BOSTON, OCT. 25, 1852.

The petition of the Boston Gas Light Company, for permission to lay a Rail track across Commercial street, opposite to their works, was referred to the Committee on Paving.

IN BOARD OF MAYOR AND ALDERMEN, BOSTON, Nov. 2, 1852.

The Committee on Paving reported on the petition of the Boston Gas Light Company for leave to lay a Rail track across Commercial street, that leave be granted, provided the work be done under direction of the Committee on Paving.

And the Report was accepted.

IN BOARD OF MAYOR AND ALDERMEN, BOSTON, DEC. 13th, 1852.

On the remonstrance of Thos. J. Lobdell and others, against the rebuilding and location of the Gasometer at the Southern section of the City, the Committee on Internal Health reported that after a full hearing of parties on the subject of the said remonstrance, and an examination of the premises, that no farther action is necessary thereon.

Read and accepted.

Attest,  
(Signed.) SAML. F. McCLEARY, JR.,  
City Clerk.

## N O T E.

A schedule of property, taken from the Assessors' books, and comprising two hundred and twenty estates in the immediate vicinity of the Gas works, and situated on Snow Hill Street, Avenue, and Court, Prince Street, Cleveland Place, Sheafe Street, Margaret Street, Hull Street, Hull Court, Salem Street, Snelling Place, Marshall Place, Charter Street, Washburn Place, Phipps' Place, North Hudson Street, prepared by C. P. Curtis, Jr., Esq., to show the comparative valuation of the same during the years 1835, 1840, 1845, 1851, gives the following result.

The sum total of 220 estates for the year 1835,	\$322,500
“ “ “ “ 1840,	439,600
“ “ “ “ 1845,	478,100
“ “ “ “ 1851,	563,200











